



General Assembly

Sixty-first session

40th plenary meeting

Wednesday, 25 October 2006, 3 p.m.

New York

Official Records

President: Ms. Al-Khalifa (Bahrain)

The meeting was called to order at 3.15 p.m.

Agenda item 103 (continued)

Elections to fill vacancies in principal organs

(a) Election of five non-permanent members of the Security Council

The President: The General Assembly will continue with the election of five non-permanent members of the Security Council to replace those members whose term of office expires on 31 December 2006.

As members will recall, when the thirty-seventh plenary meeting was adjourned on Thursday afternoon, 19 October, there remained one seat to be filled from among the Latin American and Caribbean States.

In accordance with rule 92 of the rules of procedure, we shall proceed now to the next round of balloting by secret ballot. This thirty-sixth round of balloting, in accordance with rule 94 of the rules of procedure, will also be the seventeenth unrestricted ballot.

For this thirty-sixth round of balloting, may I remind the Assembly that any Member State from among the Latin American and Caribbean States may be a candidate except those outgoing members and those already members of the Security Council, namely, Argentina and Peru.

Before we begin the voting process, I should like to remind members that pursuant to rule 88 of the rules of procedure of the General Assembly, no

representative shall interrupt the voting except on a point of order on the actual conduct of the voting.

We shall now begin the voting process. Members are requested to remain seated until all ballots have been collected.

Ballot papers marked "B" will now be distributed. May I ask representatives to write on the ballot papers marked "B" for the Latin American and Caribbean States the name of the one State for which they wish to vote. Ballot papers marked "B" will be declared invalid if they contain the name of more than one State as well as if they contain the name of a Member State that does not belong to that region.

At the invitation of the President, Mr. Jumat (Brunei Darussalam), Mr. Sepúlveda (Chile), Mrs. Cerere (Kenya), Ms. Klauska (Poland) and Mr. Flueck (Switzerland) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 3.20 p.m. and resumed at 3.55 p.m.

The President: The result of the voting is as follows:

Group B – Latin American and Caribbean States

Number of ballot papers:	187
Number of invalid ballots:	0
Number of valid ballots:	187
Abstentions:	6
Required two-thirds majority:	121
Number of votes obtained:	
Guatemala	109
Venezuela (Bolivarian Republic of)	72

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Since the result of the ballot has been inconclusive, there still remains one seat to be filled from among the Latin American and Caribbean States. We must therefore proceed to the eighteenth unrestricted ballot.

For this thirty-seventh round of balloting, may I remind the Assembly that any Member State from among the Latin American and Caribbean States may be a candidate except those outgoing members and those already members of the Security Council, namely Argentina and Peru.

We shall now begin the voting process. Members are requested to remain seated until all ballots have been collected.

Ballot papers marked "B" will now be distributed. May I ask representatives to write on the ballot papers marked "B" for the Latin American and Caribbean States the name of the one State for which they wish to vote. Ballot papers marked "B" will be declared invalid if they contain the name of more than one State as well as if they contain the name of a Member State that does not belong to that region.

At the invitation of the President, Mr. Jumat (Brunei Darussalam), Mr. Sepúlveda (Chile), Mrs. Cerere (Kenya), Ms. Klauska (Poland) and Mr. Flueck (Switzerland) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 4 p.m. and resumed at 4.15 p.m.

The President: The result of the voting is as follows:

Group B – Latin American and Caribbean States

Number of ballot papers:	192
Number of invalid ballots:	0
Number of valid ballots:	192
Abstentions:	6
Required two-thirds majority:	124
Number of votes obtained:	
Guatemala	107
Venezuela (Bolivarian Republic of)	78
Chile	1

Since the result of the ballot has again been inconclusive, there still remains one seat to be filled from among the Latin American and Caribbean States.

We shall therefore proceed to the thirty-eighth round of balloting, which is the nineteenth restricted ballot.

This thirty-eighth round of balloting shall be restricted to the two States from among the Latin American and Caribbean States that were not elected but obtained the largest number of votes in the previous ballot, namely Guatemala and the Bolivarian Republic of Venezuela. This is in accordance with rule 94 of the rules of procedure.

We shall now begin the voting process. Members are requested to remain seated until the ballots have been collected.

Ballot papers marked "B" will now be distributed. May I ask representatives to write on the ballot papers the name of the State for which they wish to vote. Ballot papers marked "B" for the Latin American and Caribbean States will be declared invalid if they contain the name of a State other than Guatemala or the Bolivarian Republic of Venezuela, as well as if they contain the name of more than one State.

At the invitation of the President, Mr. Jumat (Brunei Darussalam), Mr. Sepúlveda (Chile), Mrs. Cerere (Kenya), Ms. Klauska (Poland) and Mr. Flueck (Switzerland) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 4.25 a.m. and resumed at 4.35 p.m.

The President: The result of the voting is as follows:

Group B – Latin American and Caribbean States

Number of ballot papers:	187
Number of invalid ballots:	0
Number of valid ballots:	187
Abstentions:	5
Required two-thirds majority:	122
Number of votes obtained:	
Guatemala	105
Venezuela (Bolivarian Republic of)	77

Since the result of the ballot has again been inconclusive, there still remains one seat to be filled from among the Latin American and Caribbean States. We shall therefore proceed to the thirty-ninth round of balloting, which is the twentieth restricted ballot.

This thirty-ninth round of balloting shall be restricted to the two States from the Latin American and the Caribbean States that were not elected but obtained the largest number of votes in the previous ballot, namely Guatemala and the Bolivarian Republic of Venezuela. This is in accordance with rule 94 of the rules of procedure.

We shall now begin the voting process. Members are requested to remain seated until all ballots have been collected.

Ballot papers marked "B" will now be distributed. May I ask representatives to write on the ballot papers the name of the one State for which they wish to vote. Ballot papers marked "B" for the Latin American and Caribbean States will be declared invalid if they contain the name of a State other than Guatemala or the Bolivarian Republic of Venezuela, as well as if they contain the name of more than one State.

At the invitation of the President, Mr. Jumat (Brunei Darussalam), Mr. Sepúlveda (Chile), Mrs. Cerere (Kenya), Ms. Klausa (Poland) and Mr. Flueck (Switzerland) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 4.45 p.m. and resumed at 5 p.m.

The President: The result of the voting is as follows:

Group B – Latin American and Caribbean States

Number of ballot papers:	189
Number of invalid ballots:	0
Number of valid ballots:	189
Abstentions:	6
Required two-thirds majority:	122
Number of votes obtained:	
Guatemala	105
Venezuela (Bolivarian Republic of)	78

Since the result of the ballot has again been inconclusive, there still remains one seat to be filled from among the Latin American and Caribbean States. We shall therefore proceed to the fortieth round of balloting, which is the twenty-first restricted ballot.

This fortieth round of balloting shall be restricted to the two States from among the Latin American and Caribbean States that were not elected but obtained the largest number of votes in the previous ballot, namely

Guatemala and the Bolivarian Republic of Venezuela. This is in accordance with rule 94 of the rules of procedure.

We shall now begin the voting process. Members are requested to remain seated until all ballots have been collected.

Ballot papers marked "B" will now be distributed. May I ask representatives to write on the ballot papers the name of the State for which they wish to vote. Ballot papers marked "B" for the Latin American and Caribbean States will be declared invalid if they contain the name of a State other than Guatemala or the Bolivarian Republic of Venezuela, as well as if they contain the name of more than one State.

At the invitation of the President, Mr. Jumat (Brunei Darussalam), Mr. Sepúlveda (Chile), Mrs. Cerere (Kenya), Ms. Klausa (Poland) and Mr. Flueck (Switzerland) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 5.10 p.m. and resumed at 5.20 p.m.

The President: The result of the voting is as follows:

Group B – Latin American and Caribbean States

Number of ballot papers:	190
Number of invalid ballots:	0
Number of valid ballots:	190
Abstentions:	5
Required two-thirds majority:	124
Number of votes obtained:	
Guatemala	101
Venezuela (Bolivarian Republic of)	84

Since the result of the ballot has again been inconclusive, there still remains one seat to be filled from among the Latin American and Caribbean States. We must therefore proceed to the nineteenth unrestricted ballot.

For this forty-first round of balloting, may I remind the Assembly that any Member State from among the Latin American and Caribbean States may be a candidate except those outgoing members and those already members of the Security Council, namely Argentina and Peru.

We shall now begin the voting process. Members are requested to remain seated until all ballots have been collected.

Ballot papers marked "B" will now be distributed. May I ask representatives to write on the ballot papers marked "B" for the Latin American and Caribbean States the name of the one State for which they wish to vote. Ballot papers marked "B" will be declared invalid if they contain the name of more than one State, as well as if they contain the name of a Member State that does not belong to that region.

At the invitation of the President, Mr. Jumat (Brunei Darussalam), Mr. Sepulveda (Chile), Mrs. Cerere (Kenya), Ms. Klaus (Poland) and Mr. Flueck (Switzerland) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 5.30 p.m. and resumed at 5.55 p.m.

The President: The result of the voting is as follows:

Group B – Latin American and Caribbean States

Number of ballot papers:	190
Number of invalid ballots:	0
Number of valid ballots:	190
Abstentions:	6
Required two-thirds majority:	123
Number of votes obtained:	
Guatemala	100
Venezuela (Bolivarian Republic of)	82
Chile	1
Dominican Republic	1

This unrestricted ballot has again been inconclusive. According to the rules of procedure, we shall continue with a series of unrestricted ballots. However, I would like to inform members that the next round of balloting will take place on Tuesday, 31 October, at 10 a.m. in the General Assembly Hall.

As agreed, the following is the schedule of subsequent ballots: Wednesday, 1 November, at 3 p.m. in the General Assembly Hall; Tuesday, 7 November, at 10 a.m. in the General Assembly Hall; Wednesday, 8 November, at 3 p.m. in the General Assembly Hall; Tuesday, 14 November, at 10 a.m. in the General Assembly Hall; Wednesday, 15 November, at 3 p.m. in the General Assembly Hall.

The meeting rose at 6 p.m.



General Assembly

Sixty-first session

41st plenary meeting

Thursday, 26 October 2006, 3 p.m.
New York

Official Records

President: Ms. Al-Khalifa (Bahrain)

The meeting was called to order at 3.20 p.m.

Agenda item 7 (continued)

Organization of work, adoption of the agenda and allocation of items

Third report of the General Committee (A/61/250/Add.2)

The President: In its report, the General Committee recommends to the General Assembly that agenda item 68, entitled "Report of the Human Rights Council", be considered in plenary meeting and in the Third Committee, on the understanding that the Third Committee would consider and act on all recommendations of the Human Rights Council to the General Assembly, including those that deal with the Development of International Law in the field of human rights.

Taking into account this recommendation, the General Assembly plenary would consider the Annual Report of the Human Rights Council on its activities for the year, and also on the understanding that the division of work between them was agreed upon with the understanding that this arrangement is due to the fact that the Human Rights Council only commenced its work in June 2006.

It is also understood that the current arrangement is in no way a reinterpretation of Assembly resolution 60/251 and will be reviewed before the beginning of the sixty-second session, on the basis of the experience

gained with the efficiency and practicality of this arrangement.

May I therefore take it that the General Assembly approves that recommendation?

It was so decided.

The President: The Chairman of the Third Committee will be informed of the decision just taken by the General Assembly.

Documentation for the election of the members of the International Law Commission (item 105 (c))

The President: As was announced at the 38th meeting, on Friday, 20 October 2006, I would now like to consult the General Assembly on a matter concerning sub-item (c) of agenda item 105, on the election of the members of the International Law Commission, which has been scheduled to take place on Thursday, 16 November 2006.

On that day the Assembly will proceed to the election of 34 members of the Commission, whose terms of office are to commence on 1 January 2007. It should be recalled that, in accordance with the Statute of the International Law Commission, the Secretary-General communicated to the Governments of Member States, in documents A/61/92 and A/61/92/Corr.1, the list of candidates submitted within the required time for the submission of nominations, that is, by 1 June 2006, as well as a withdrawal in document A/61/92/Add.1. The statements of qualifications of the

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candidates are contained in documents A/61/111 and A/61/111/Corr.1, A/61/111/Corr.2 and A/61/111/Add.1.

Subsequent to that date, the Secretary-General received additional information on nominations concerning candidates, new candidates and a withdrawal. The names of the new candidates and additional information are to be found in documents A/61/92/Add.2 and A/61/92/Add.3.

Under those circumstances, it is necessary for the General Assembly to take a decision as to whether the new candidatures should be accepted in spite of the submission of their names subsequent to the deadline, and whether they should be incorporated into a consolidated list of candidates. It has been the practice of the Assembly to incorporate such late submissions into a consolidated list.

If I hear no objection, I shall take it that it is the wish of the General Assembly to request the Secretary-General to issue such a consolidated list of candidates.

It was so decided.

The President: The consolidated list of candidates will be issued under the symbol A/61/539.

Letter from the Chairman of the Committee on Conferences addressed to the President of the General Assembly (A/61/320/Add.1)

The President: Document A/61/320/Add.1 contains a letter dated 19 October 2006 from the Chairman of the Committee on Conferences addressed to the President of the General Assembly. Members are aware that, pursuant to section 1, paragraph 7 of resolution 40/243, no subsidiary organ of the General Assembly should be permitted to meet at Headquarters during the main part of a regular session of the Assembly, unless explicitly authorized by the Assembly.

Authorization is therefore sought for the Executive Board of the International Research and Training Institute for the Advancement of Women to hold one meeting in New York during the main part of the sixty-first session of the General Assembly, on the strict understanding that the meeting will have to be accommodated when facilities and services can be made available without adversely affecting the activities of the General Assembly and its Main Committees. It is also the understanding that

everything possible will be done to ensure the most efficient use of conference services.

May I take it that it is the wish of the General Assembly to authorize the Executive Board of the International Research and Training Institute for the Advancement of Women to meet during the main part of the sixty-first session of the General Assembly?

It was so decided.

Agenda item 70

Report of the International Court of Justice

Report of the International Court of Justice (A/61/4)

Report of the Secretary-General (A/61/380)

The President: May I take it that the General Assembly takes note of the report of the International Court of Justice?

It was so decided.

The President: In connection with this item, the Assembly also has before it the report of the Secretary-General on the Secretary-General's Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice, which has been circulated in document A/61/380.

I call on Ms. Rosalyn Higgins, President of the International Court of Justice.

Ms. Higgins: It is an honour for me to address the General Assembly for the first time in my presidency on the occasion of the Assembly's examination of the report of the International Court of Justice for the period 1 August 2005 to 31 July 2006. Speaking to the General Assembly on the Court's report is a tradition initiated by Sir Robert Jennings during his presidency. It is one that I am happy to maintain and that the Court greatly values.

I am pleased to address the Assembly today under the presidency of the Legal Adviser to the Royal Court in the Kingdom of Bahrain. I warmly congratulate you, Madam President, on your election to preside over the sixty-first session, and wish you every success.

I begin by recalling that currently 192 States are parties to the Statute of the Court, and that 67 of them have accepted the compulsory jurisdiction of the Court in accordance with Article 36, paragraph 2, of the

Statute. Furthermore, approximately 300 treaties refer to the Court in relation to the settlement of disputes arising from their application or interpretation.

As the annual report of the Court transmitted to the General Assembly recounts, in the period from 1 August 2005 to 31 July 2006 the Court made an order with respect to a request for provisional measures in one case, held public hearings in two cases, and rendered judgments in two further cases. It should be understood that the cases of *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)* and *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)* have been exceptionally heavy, legally speaking, and complex in a variety of ways. Several cases are contained within each head case. The *Bosnia and Herzegovina v. Serbia and Montenegro* case required public hearings that stretched over two and a half months. The Court has sifted through vast amounts of documentary and audiovisual evidence, and heard witness testimony in the courtroom for the first time since 1991.

During the period under review the Court has been seized of three new cases: a dispute regarding navigational and related rights between Costa Rica and Nicaragua; a dispute regarding the status of a diplomatic envoy to the United Nations vis-à-vis the host State, between the Commonwealth of Dominica and Switzerland; and a dispute concerning pulp mills on the River Uruguay between Argentina and Uruguay. Following a further request from the Commonwealth of Dominica, the case against Switzerland was in fact removed from the Court's List.

Today there are 13 cases in the General List of the Court, following the entering in the General List in August this year of an application from the Republic of Djibouti instituting proceedings against France. The application was made by Djibouti in January this year. On 10 August France consented to the Court's jurisdiction for this specific dispute in accordance with Article 38, paragraph 5, of the Rules of Court. That is only the second instance since the adoption, in 1978, of Article 38, paragraph 5, in which a State has accepted another State's invitation to recognize the jurisdiction of the International Court to deal with a case against it.

The cases come from all over the world. There are four between European States, four between Latin

American States, two between African States, one between Asian States and two of an intercontinental character. The Court's international character is also reflected in its composition. Following the elections held last autumn by the General Assembly and the Security Council, the Court currently has the benefit of members from China, France, Germany, Japan, Jordan, Madagascar, Morocco, Mexico, New Zealand, the Russian Federation, Sierra Leone, Slovakia, the United Kingdom, the United States of America and Venezuela.

The subject matter of the cases before the Court is extremely varied. As is frequently the case, the Court's docket contains a number of cases concerning territorial disputes between neighbouring States seeking a determination of their land and maritime boundaries, or a decision as to which of them has sovereignty over particular areas. That is the position for five cases concerning, respectively, Nicaragua and Honduras, Nicaragua and Colombia, Malaysia and Singapore, Romania and Ukraine and Costa Rica and Nicaragua. Another classic type of dispute is where a State complains of the treatment of its nationals by other States. That is the position in the cases of the Republic of Guinea against the Democratic Republic of the Congo, the Republic of the Congo against France, and the Republic of Djibouti against France. Those last two cases also raise issues relating to jurisdictional immunities of State officials.

A further category of cases that is frequently referred to the Court concerns the use of force and events that the Assembly or the Security Council have had to address. At the moment the Court is deliberating on a case in which Bosnia and Herzegovina seeks the condemnation of Serbia and Montenegro for violations of the 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide. The Court is further seized of a similar claim brought by Croatia against Serbia and Montenegro.

Today I plan, as is traditional, to report on the judgments rendered by the International Court over the past year. I shall deal with those decisions in chronological order. I have had the occasion to deal with some of these legal issues in more depth with the legal advisers at their meeting. Should any specific points be of particular interest, members will be able to see them discussed in that speech.

On 19 December 2005 the Court handed down its judgment in the case concerning *Armed Activities on*

the Territory of the Congo (Democratic Republic of the Congo v. Uganda). By way of background, on 23 June 1999 the Democratic Republic of the Congo filed an application instituting proceedings against Uganda for "acts of armed aggression perpetrated in flagrant violation of the United Nations Charter and of the Charter of the OAU". In its application, the Democratic Republic of the Congo contended that

"such armed aggression ... [had] involved inter alia violation of the sovereignty and territorial integrity of the [Democratic Republic of the Congo], violations of international humanitarian law and massive human rights violations".

Uganda disputed the Democratic Republic of the Congo's claim, and counterclaimed, on 21 April 2001, that the Democratic Republic of the Congo had committed acts of aggression against it, had attacked Ugandan diplomatic premises and personnel in Kinshasa as well as other Ugandan nationals, and had violated the Lusaka Agreement. By an Order of 29 November 2001, the Court found that the first two counterclaims were admissible, but that the third was not.

In its Judgment on the merits, the Court started by noting that it was aware of the complex and tragic situation that had long prevailed in the Great Lakes region and of the suffering of the local population. It observed that the instability in the Democratic Republic of the Congo in particular had had negative security implications for Uganda and some other neighbouring States. However, it stated that its task was to respond, on the basis of international law, to the particular legal dispute brought before it.

The Court treated first the question of the invasion of the Democratic Republic of the Congo by Uganda. Having examined the materials put before it by the parties, the Court found that in the period preceding August 1998 the Democratic Republic of the Congo had not objected to Uganda's military presence and activities in its eastern border area. The two countries had, among other things, agreed that their respective armies would "cooperate in order to ensure security and peace along the common border". The Court, however, drew attention to the fact that the consent that had been given to Uganda to place its forces in the Democratic Republic of the Congo, and to engage in military operations, was not an open-ended consent. It was limited in terms of objectives and

geographic location to actions directed at stopping rebels operating across the common border. It did not constitute a consent to all that was to follow.

The Court examined carefully the various treaties directed to achieving and maintaining a ceasefire, the withdrawal of foreign forces and the stabilization of relations. It concluded that none of those instruments, save for the limited exception regarding the border region of the Ruwenzori mountains contained in the Luanda Agreement, constituted consent by the Democratic Republic of the Congo to the presence of Ugandan troops on its territory.

The Court also rejected Uganda's claim that its use of force, where not covered by consent, was an exercise of self-defence. The preconditions for self-defence did not exist. Indeed, the unlawful military intervention by Uganda was of such magnitude and duration that the Court considered it to be a grave violation of the prohibition on the use of force expressed in Article 2, paragraph 4, of the Charter. The Court also found that by actively extending military, logistic, economic and financial support to irregular forces having operated on the territory of the Democratic Republic of the Congo, the Republic of Uganda had violated the principle of non-use of force in international relations and the principle of non-intervention.

The Court then moved to the legal issue of occupation and of the violations of human rights and humanitarian law. It observed first that, under customary international law, as reflected in article 42 of the Hague Regulations of 1907, territory is considered to be occupied when it is actually placed under the authority of the hostile army, and the occupation extends only to the territory where such authority has been established and can be exercised. Having concluded that Uganda was the occupying Power in Ituri at the relevant time, the Court stated that, as such, it was under an obligation, according to article 43 of the Hague Regulations, to take all measures in its power to restore and ensure, as far as possible, public order and safety in the occupied area, while respecting, unless absolutely prevented, the laws in force in the Democratic Republic of the Congo. That had not been done. The Court also considered that it had credible evidence sufficient to conclude that the Uganda People's Defence Forces (UPDF) troops had generally in the Democratic Republic of the Congo engaged in various violations of international

humanitarian law and human rights law. The details are specified in the Judgment. Those violations were found to be attributable to Uganda.

The third issue the Court had to deal with was that of the alleged exploitation of natural resources by Uganda. The Court considered that it had ample, credible and persuasive evidence to conclude that officers and soldiers of the UPDF, including the most high-ranking officers, were involved in the looting, plundering and exploitation of the Democratic Republic of the Congo's natural resources, and that the military authorities did not take any measures to put an end to those acts. Uganda was responsible for both the conduct of the UPDF as a whole and the conduct of individual soldiers and officers of the UPDF in the territory of the Democratic Republic of the Congo. That was so even when particular UPDF officers and soldiers acted contrary to instructions given, or exceeded their authority. The Court found that it did not have at its disposal credible evidence to prove that there was a governmental policy on the part of Uganda directed at the exploitation of the natural resources of the Democratic Republic of the Congo, or that Uganda's military intervention was carried out in order to obtain access to Congolese resources.

In respect of the counterclaims of Uganda, the Court found first that Uganda had not produced sufficient evidence to show that the Democratic Republic of the Congo had provided political and military support to anti-Ugandan rebel groups operating in its territory. The Court added that any military action taken by the Democratic Republic of the Congo against Uganda after the invasion by Uganda in 1998 would be justified as action taken in self-defence under Article 51 of the United Nations Charter.

As for the second counterclaim, the Court found that there was sufficient evidence to prove the attacks against the embassy and the maltreatment of Ugandan diplomats on embassy premises and at Ndjili International Airport. It found that the Democratic Republic of the Congo had breached its obligations under the Vienna Convention on Diplomatic Relations. The removal of property and archives from the Ugandan embassy was also in violation of the rules of international law on diplomatic relations.

The Court noted that the nature, form and amount of compensation owed by each party had been reserved

and would only be submitted to the Court should the parties be unable now to reach agreement on the basis of the Judgment just rendered by the Court.

The period 2005-2006 turned out to be very much an African year for the Court. Less than two months after issuing its decision in *Democratic Republic of the Congo v. Uganda*, on 3 February 2006, the Court rendered its judgment on the preliminary objections to jurisdiction and admissibility raised by Rwanda in the case concerning *Armed Activities on the Territory of the Congo (New Application: 2002) (Democratic Republic of the Congo v. Rwanda)*. It found that here it had no jurisdiction to entertain the application filed by the Democratic Republic of the Congo.

The background was the filing, in 2002, by the Democratic Republic of the Congo of an application alleging

"massive, serious and flagrant violations of human rights and of international humanitarian law resulting from acts of armed aggression perpetrated by Rwanda on the territory of the Democratic Republic of the Congo in flagrant violation of the sovereignty and territorial integrity of the Democratic Republic of the Congo, as guaranteed by the United Nations and OAU Charters".

The Court's deliberations mainly turned on the interpretation of particular jurisdictional provisions and on the analysis of requirements they contained. The Court essentially found that the international instruments invoked by the Democratic Republic of the Congo could not be relied on, as either Rwanda was not a party to them, or had made reservations to them, or other preconditions for seizing of the Court had not been satisfied.

As the Court had no jurisdiction to entertain the application, it was not required to rule on the application's admissibility. The Court was mindful that the subject matter was very close to *Democratic Republic of the Congo v. Uganda* and that it needed to be carefully explained as to why the Court did not proceed to the merits in this case. The Court explained that it was precluded by its Statute from taking any position on the merits of the claims made by the Democratic Republic of the Congo. However, the Court reiterated that there was

"a fundamental distinction between the acceptance by States of the Court's jurisdiction and the conformity of their acts with international law ... whether or not States have accepted the jurisdiction of the Court, they are required to fulfil their obligations under the United Nations Charter and the other rules of international law, including international humanitarian and human rights law, and they remain responsible for acts attributable to them which are contrary to international law." (A/61/4, para. 16)

Finally, on 13 July this year, the Court handed down its Order for the indication of provisional measures in the case concerning *Pulp Mills on the River Uruguay* (*Argentina v. Uruguay*).

Early in May this year Argentina initiated proceedings against Uruguay concerning alleged violations by Uruguay of obligations under the Statute of the River Uruguay, a treaty signed by the two States in 1975. Argentina's application was accompanied by a request for the indication of provisional measures requiring Uruguay, first, to suspend the authorizations for the construction of the mills and halt building work on them pending a final decision by the Court, and, secondly, to cooperate with Argentina to protect and preserve the aquatic environment of the River Uruguay, to refrain from taking any further unilateral action with respect to construction of the two mills which does not comply with the 1975 Statute, and to refrain from any other action which might aggravate the dispute or render its settlement more difficult.

In its Order, the Court found that there was nothing in the record to demonstrate that the very decision by Uruguay to authorize the construction of the mills posed an imminent threat of irreparable damage to the aquatic environment or to the economic and social interests of the riparian inhabitants. On the basis of the evidence before it, the Court was not convinced that the rights claimed by Argentina would no longer be capable of protection if the Court were to decide not to indicate at this stage of the proceedings the suspension of the authorizations and of the construction work itself. At the same time, the Court made it clear that, by proceeding with the work, Uruguay "necessarily bears all risks relating to any finding on the merits that the Court might later make" and that the construction of the mills at the current site could not be deemed to create a *fait accompli*. The Court specifically states that the decision in the present

proceedings in no way prejudices questions relating to the merits of the case. The parties retain the right to submit arguments in respect of the substance of the case in further stages of the proceedings.

As well as delivering these Judgments and Order, the Court has completed the hearings in the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide* (*Bosnia and Herzegovina v. Serbia and Montenegro*) and it is currently under deliberation. In the [run-up to the case, the Court had made preparatory proposals on, inter alia, whether witness examination should be preceded with affidavits, how to organize the cross-examination, how to secure the confidentiality of the testimony during the hearings, what type of translation to provide for the witnesses and for the Court, and yet more. Very particular arrangements had to be made with the press. This case is heavy and complex in a variety of ways. It includes what are called several "sub-cases" and involves an unprecedented amount of facts and evidence requiring detailed and systematic analysis.

Although the hearings have been mainly focused on the merits of the case, a number of jurisdictional issues were discussed by the Parties as a result of various developments since the Court delivered its Judgment on jurisdiction and admissibility in 1996, and particularly the implications of the admission of the then Federal Republic of Yugoslavia to the United Nations in 2000.

I turn to what is next on the horizon for the International Court. Next month we begin public hearings on preliminary objections in the case concerning *Ahmadou Sadio Diallo* (*Republic of Guinea v. Democratic Republic of the Congo*). Next March the Court will hear a case on the merits: *Maritime Delimitation between Nicaragua and Honduras in the Caribbean Sea* (*Nicaragua v. Honduras*). After that the Court will hear preliminary objections in the case *Territorial and Maritime Dispute* (*Nicaragua v. Colombia*) and arguments on the merits in the case concerning *Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge* (*Malaysia/Singapore*).

Our aim is to increase further our throughput in the coming year. To this end, the Court has agreed for next year upon a very full schedule of hearings and deliberations, with more than one case being in

progress at all times. In this context, I draw attention to one request we will present in our budget submission. The Court's budgetary requests are always modest, and our requests for 2008 to 2009 will be particularly restrained. But there is one matter that is very important to us: the Court will request nine P-2 law clerks, which will enable us to achieve a full complement of one law clerk for each member of the Court.

This matter was raised by President Schwebel eight long years ago, and was the subject of a specific request made six long years ago by President Guillaume. At that time, he pointed to the fact that each judge has to examine case files which regularly run to several thousand pages and to conduct hearings that are sometimes unavoidably lengthy. The situation is even more pressing today, given the increasing number of fact-intensive cases and the rising importance of researching, analysing and evaluating not only doctrinal materials, but also the applicable jurisprudence of other international tribunals as well as the testimony as to alleged facts.

The Court wishes to provide its Judgments in a timely fashion, but it is simply impossible for it to do so if the judges have no assistance across this range of work. We can no longer scrape by on a small pool of six shared clerks. At the end of the day, this shortage of assistance is harmful to the client States which use us. The absence of clerks is judicially inefficient, and this fact seems everywhere recognized. It is, in reality, astounding that the International Court is the only senior international court without this form of assistance.

Each judge of the European Court of Justice is assisted by three law clerks. Each of the 16 judges at the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) has one law clerk assigned to him or her, and there is at least one "floating" law clerk assigned to the Chamber. The International Criminal Court (ICC) has provided one law clerk for each of its 18 judges. Quite simply, the International Court of Justice can no longer provide the service that Member States bringing cases desire, if it, as the principal judicial organ of the United Nations, is denied what is routinely accorded to every other senior court, national as well as international.

The International Court has been continuing to review its procedures and working methods. In September 2005, the Court adopted amendments to Article 43 of its Rules, regarding the notifications to be sent by the Court to those not directly involved in a case who are parties to a convention whose construction may be in question in the proceedings. Two paragraphs were added to Article 43 to cover the case of international organizations that are parties to such conventions and to establish an appropriate procedural framework for this purpose. Now they, too, have a means for submitting observations on the particular provisions of the convention whose construction is at issue in the case.

The Court recently noted the growing interest of States, reflected in the Court's docket, in issues relating to human rights, international humanitarian law and environmental law. In 1993, a Chamber for Environmental Matters was created by the Court, and it has been periodically reconstituted. But in its years of existence, no State has yet asked for a case to be heard by the Chamber. Cases such as *Gabcikovo-Nagymaros Project (Hungary/Slovakia)* and *Pulp Mills on the River Uruguay (Argentina v. Uruguay)* have been submitted to the plenary Bench. A survey of State practice suggests that States prefer that environmental law not be compartmentalized, but that it find its place within international law as a whole. Indeed, environmental law has now become an important part of what we may term the mainstream of international law. Accordingly, this year the Court decided not to hold elections for a Bench for the Chamber for Environmental Matters. At the same time, should parties in future cases request a chamber for a dispute involving environmental law, such a chamber could still be constituted under Article 26, paragraph 2, of the Statute of the Court.

As the Assembly knows, the International Court of Justice celebrated its sixtieth anniversary this year. A solemn sitting of the Court, in the presence of the Queen of the Netherlands, the Secretary-General of the United Nations and the President of the General Assembly, was organized in April to mark the occasion.

The anniversary has provided an occasion for the Court to reflect on what it has achieved and where it can improve. Sixty years ago the International Court stood virtually alone as the forum for the resolution of international disputes. For a variety of reasons, new

courts and tribunals have burgeoned, being established to deal with a variety of international needs, such as the law of the sea, trade, human rights, investment and the accountability of individuals for international crimes. We are forging cordial relationships with each other. The Court has set up an informal system of exchanges whereby judges at the ICTY and ICC receive summaries or relevant excerpts of our cases that address legal questions of particular interest to them, and vice versa.

This growth in the number of new courts and tribunals has generated a certain concern about the potential for a lack of consistency in the enunciation of legal norms, and the attendant risk of fragmentation. Yet these concerns have not proved significant. The general picture has been one of these courts seeing the necessity of locating themselves within the embrace of general international law.

The authoritative nature of International Court of Justice Judgments is widely acknowledged. It has been gratifying for the International Court to see that the newer courts and tribunals have regularly referred, often in a manner essential to their legal reasoning, to Judgments of the International Court of Justice with respect to questions of international law and procedure. In just the past five years, the Judgments and Advisory Opinions of the International Court have been expressly cited with approval by the International Tribunal for the Law of the Sea, the European Court of Human Rights, the European Court of Justice, the United Nations Commission on Human Rights, the Inter-American Commission on Human Rights, the International Centre for Settlement of Investment Disputes, the International Criminal Tribunal for the Former Yugoslavia and arbitral bodies, including the Eritrea-Ethiopia Claims Commission. The International Court, for its part, has been closely following the work of these other international bodies also.

The ability of international judges, lawyers, scholars, the media and, indeed, interested members of the general public to follow the work of the Court will be further enhanced by its new website, which will be launched shortly. The new website will contain five times more data than the current, already admired website, including every Judgment, Order and pleading since 1946, as well as other new features.

The International Court is the embodiment of the United Nations, being its principal judicial organ. This

authority accorded to the Court has served the United Nations well over the years. The Court is indeed the Court of all the Members, in the sense that it is composed of 15 judges from around the world elected by the entire United Nations membership. The decision-making process of the Court is such that all the judges are engaged in all the cases, save in those occasional circumstances in which the parties themselves request a Chamber. Our Judgments and Opinions are written by the judges themselves. It is not the Court of any region or of any personalities. It is the Court of the United Nations.

The International Court welcomes the special efforts that the Members of the United Nations have made to strengthen our activities. In particular, we appreciate the recognition of the important role of the International Court expressed in the Outcome Document (resolution 60/1) resulting from the meeting of more than 170 Heads of State or Government at United Nations Headquarters for the 2005 World Summit. The Court, for its part, will continue to work with dedication and with its customary impartiality, and hopes that Members will provide us with the modest additional resources that we need to serve them well.

I assure the General Assembly that the International Court will maintain the high quality of its decisions, while striving to meet the expectations of those States that entrust us with finding a solution for them in a timely fashion. The Court deeply values the trust placed in it by the United Nations, and stands ready to work with the Organization towards the fulfilment of the goals enshrined in the Charter.

Ms. Ertman (Finland): I have the honour to speak on behalf of the European Union. The acceding countries Bulgaria and Romania, the candidate countries Turkey, Croatia and The former Yugoslav Republic of Macedonia, the countries of the Stabilization and Association Process and potential candidates Albania, Bosnia and Herzegovina, Montenegro and Serbia, and the European Free Trade Association countries Iceland, Liechtenstein and Norway, members of the European Economic Area, as well as Ukraine and the Republic of Moldova, align themselves with this declaration.

It gives the European Union great pleasure to congratulate the International Court of Justice on its sixtieth anniversary. The Union reaffirms its strong

support for the Court. We are particularly pleased to do so at a time when the international legal order is rapidly developing. That development is reflected in the work of the International Court of Justice, as States have been increasingly willing to submit disputes for settlement.

Submitting a dispute to the Court is not, and must not be, considered a hostile act by the other party. As the principal judicial organ of the United Nations, the Court is the cornerstone of the international legal order. It has significantly strengthened the international rule of law and has contributed to respect for law. It not only continues to play an important role in the resolution of international disputes, but also contributes to their prevention.

The Court is also to be seen within the wider context of the international order. In the peaceful settlement of disputes, the Court plays an important role in maintaining and restoring international peace and security, as highlighted at the open debate on strengthening international law held in the Security Council in June, under the Danish presidency.

With the rapid expansion of its scope and its growing specialization — in particular, with the development of special treaty regimes — international law is increasingly governing new areas of international life. That may herald new challenges for the international judiciary in its work of interpreting and applying this expanding body of law. In that function, the Court undoubtedly has as central a role as ever and deserves the full support of all members of the international community.

The International Court of Justice is not the only international tribunal now at work. In recent years, we have witnessed the establishment of several new international courts of law. The International Tribunal for the Law of the Sea deals with matters that may also fall within the jurisdiction of the Court. Others, like the International Criminal Tribunal for the Former Yugoslavia, the International Criminal Tribunal for Rwanda and the International Criminal Court, deal with cases brought against individuals. All of them may be seen as complementing one another and strengthening the international legal order. Nevertheless, the International Court of Justice, as the principal judicial organ of the United Nations, is the only truly universal court in the exercise of general

jurisdiction in the settlement of international disputes between States.

The European Union is grateful to the President of the Court, Judge Rosalyn Higgins, for presenting the report on its work. The report clearly demonstrates that, at the mature age of 60, the Court — with 12 cases on its docket at present — is fully occupied. Member States need to ensure that the Court has the resources it needs, given the importance of its task. In that context, the European Union also recalls the Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice.

The European Union also commends the Court for paying increasing attention to the development of its website, which gives instant access to its Judgments and reasonings, thus contributing to wider dissemination and recognition of the work of the Court.

Finally, the obligation of States to settle their disputes through peaceful means lies at the heart of the international order. In that context, the European Union recalls the recommendation of the 2005 World Summit that States that have not yet done so consider accepting the jurisdiction of the Court, in accordance with its Statute. The European Union underlines the utmost importance of State compliance with the Court's decisions.

Ms. Graham (New Zealand): Let me first express, on behalf of Canada, Australia and New Zealand, my thanks to the President of the International Court of Justice, Judge Rosalyn Higgins, for her insightful and comprehensive report on the work of the Court over the past year.

Sixty years after the Court's establishment, the growing demands being placed on it show the international community's confidence in it as a fair, impartial and transparent judicial body. The Court's increasing workload demonstrates the essential contribution it makes, as the principal judicial organ of the United Nations, to the peaceful resolution of disputes between States and to the development of international law.

The application of the international rule of law remains crucial for a peaceful world. As countries that firmly believe in the rule of law, we hope that leaders will continue to support and explore ways to apply this. The International Court of Justice, as the only international court of general jurisdiction, is central to

ensuring that the rule of law is maintained and strengthened at the international level, and for that reason the Court deserves our support.

It is important for smaller States to have access alongside their neighbour members to such impartial means to resolve their disputes. The Court represents the equality of all Members within the United Nations.

Our confidence in the Court and its continuing ability to render considered Judgments on complex international legal issues is reflected in our acceptance of the Court's compulsory jurisdiction in accordance with Article 36 (2) of its Statute. We continue to urge other Members of the United Nations that have not yet done so to deposit with the Secretary-General a declaration of acceptance of the Court's compulsory jurisdiction.

The 12 cases currently on the Court's docket are indicative of the workload facing the Court. It is fitting to see the wide regional spread of cases coming before the Court, as well as the diverse subject matter of those cases. In addition, they reflect the willingness of States to turn to judicial settlement of their disputes, and are reflective of an ever-growing faith in the decisions of the Court and in the rule of law by the international community.

Canada, Australia and New Zealand encourage a continued focus by the Court — and by parties to cases before it — on efficient and disciplined working methods. Our three countries support the intention of the Court to apply more strictly its decisions aimed at accelerating proceedings. In that context, Canada, Australia and New Zealand will reflect further on the suggestion in the report of the Court regarding the need to increase the provision of individualized legal assistance for judges, in the form of an increased number of law clerks.

Canada, Australia and New Zealand look forward to the International Court of Justice continuing to play its vital role in the peaceful settlement of international disputes and strengthening the international legal order, as mandated by the Charter.

Mr. Abdelaziz (Egypt) (*spoke in Arabic*): I should like at the outset to express the appreciation of the delegation of Egypt to Judge Rosalyn Higgins, President of the International Court of Justice, for her invaluable briefing on the work of the Court over the past year.

The creation of the United Nations coincided with the birth of a new era in international relations based on the international rule of law, primarily the significant purposes and principles of the Charter — namely, the non-use of force in international relations, the peaceful settlement of disputes and respect for territorial integrity and sovereign equality. Those principles continue to govern international relations. Over the past 60 years, the International Court of Justice has played a leading role in enhancing such principles by playing an effective role in the peaceful settlement of disputes and the development of the provisions of international law.

The Court has, indeed, succeeded in resolving almost 100 cases relating to land and maritime borders, as well as in strengthening legal obligations regarding the non-use of force and non-interference in the internal affairs of States and in enhancing relations among States. Furthermore, it has issued several Advisory Opinions reaffirming established legal principles and rules, among which the Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons and the Advisory Opinion on the legal consequences of the construction of the separation wall in the occupied Palestinian territory are the most noteworthy.

As we review the work of the Court today, we must acknowledge the value of its distinguished work. We welcome the increasing inclination of States to bring their disputes before the Court, which we believe is a true reflection of the international community's genuine confidence in the International Court of Justice and its belief in the Court's neutrality and independence. The fact that 12 cases are pending — as the President of the Court stated today — is a further affirmation of that confidence.

Nevertheless, during the past 60 years, the Court's experiences and its relations with the other organs and specialized agencies of the Organization have shown that the latter can benefit as a result of that judicial body's potential to enhance international relations and provide a legal dimension to the international community's approach to global issues, especially those under consideration by the General Assembly and the Security Council.

Without doubt, enabling the Court to play that role requires Member States — those represented in the Security Council as well as in the General Assembly —

to become involved by requesting Advisory Opinions from the Court on issues on which there is legal disagreement. Furthermore, it will require us to commit to implementing such opinions when they pertain to the interpretation of established legal principles, especially those set out in the Charter.

The true value of the decisions and Advisory Opinions of the International Court of Justice lies not only in the facts and principles that they establish, but also in their contribution to the enrichment, development and codification of international law. Those decisions enshrine legal and moral values that should be respected by all members of the international community, thereby further enhancing international peace and security.

This is especially the case with regard to the Advisory Opinion recently issued by the Court in response to a request from the General Assembly on the legal consequences of the construction of the separation wall in the occupied Palestinian territory. This Advisory Opinion is a clear reaffirmation of a well-established legal principle on which we are all agreed — namely, the inadmissibility of the acquisition of land by force. Thus, the Advisory Opinion is both legally and morally binding.

It is essential, therefore, that we develop a clear follow up mechanism for the implementation of decisions and Advisory Opinions issued by the Court so as to ensure that their scope is not limited to the Court itself and the parties involved in the dispute. Rather, there should be international recognition by United Nations bodies of their commitment to following up and implementing in practical terms the Court's decision.

The Court has a legal obligation to correct any misinterpretation of the rules and norms of international law, especially as they relate to the legitimate right to self-defence, the use of force under the pretext of the international campaign to combat terrorism and the attempt to promote democracy or respect for human rights by force, as well as in dealing with the encroachment by the Security Council on the mandate of the General Assembly as set out in the Charter on issues relating to, *inter alia*, human rights, terrorism and weapons of mass destruction. That is being done by increasingly resorting to requests for Advisory Opinions to correct such procedural misperceptions within a sound legal framework.

On past occasions the General Assembly has praised the role of the International Court of Justice and expressed appreciation for its contributions. The most recent example was in the 2005 World Summit Outcome. I have great pleasure in referring to the adoption by the Special Committee on the Charter of the United Nations and on Strengthening of the Role of the Organization, in its previous session, of the draft resolution now before the Sixth Committee (A/C.6/61/L.6) on the commemoration of the sixtieth anniversary of the International Court of Justice. Egypt was proud to introduce the draft resolution, which praises the excellent performance of the Court, reaffirms its vital role, and expresses gratitude for the Court's work, which enhances its international standing. We are also proud that the Sixth Committee is currently in the process of adopting the draft resolution for recommendation to the Assembly for adoption during this session. That is a reflection of the special close relationship between the United Nations and the International Court of Justice as its chief judicial organ.

Mr. Shinyo (Japan): It is my great pleasure and honour, on behalf of the Government of Japan, to address the Assembly under your presidency, Madam.

My delegation would like to express its gratitude to President Rosalyn Higgins for her in-depth report describing the current situation of the International Court of Justice. We would also like to express our appreciation of, and support for, the achievements in the work of the International Court of Justice during the past year.

In view of the ongoing globalization of the legal issues that the international community currently faces, and given that they increasingly involve transnational matters, the importance of the role of the International Court of Justice today cannot be overstated. As the only international court of a universal character with general jurisdiction, the International Court of Justice has contributed significantly to the peaceful settlement of conflicts, and it is expected to continue to promote peace and justice in the world by establishing and maintaining the primacy of international law.

Japan, as a country that firmly upholds the principle of the rule of law, considers that there is a need for all Member States to rely on the international judicial system to peacefully resolve conflicts. We therefore continue to fully support in particular the

work of the International Court of Justice, which is the supreme organ in this field.

Our delegation values the Court's achievements over the past year, which reflect its jurists' profound knowledge of international law and their far-sighted perspective on international society. Especially noteworthy are the Court's efforts to address such new, cutting-edge issues as massive violations of human rights and the management of shared natural resources, which show clearly the important role to be played by the international judicial system in solving the difficult problems confronting humankind today.

While bearing in mind the importance of the rulings of the Court, the Government of Japan expects that the Court will continue its efforts at rationalization, in order to manage its heavy workload and at the same time retain the confidence of Member States in its work.

We express our congratulations on the sixtieth anniversary of the Court's inaugural sitting, which was celebrated in April this year. The Court's unmatched history as a judicial organ shows how essential its role has been for the international community. We expect that the Court will continue to contribute to further strengthening of the rule of law in the years to come.

In conclusion, I wish to reiterate the great importance attached to the lofty cause and work of the International Court of Justice as the principal judicial organ of the United Nations. Japan, for its part, will continue to contribute to the invaluable work of the Court.

Mr. Abdelsalam (Sudan) (*spoke in Arabic*): At the outset, I have the pleasure to convey our sincere congratulations to the International Court of Justice, which recently celebrated its sixtieth anniversary — 60 years during which it has been a steadfast edifice of justice and a trusted guardian of the principles of international law. The International Court of Justice embodies the will to enforce the rule of law as an alternative to violence and the use of force in inter-State relations. In that connection, we would like to express our gratitude to the delegation of Egypt for its initiative in introducing a draft resolution commemorating the sixtieth anniversary of the establishment of the International Court of Justice.

We would also like sincerely to thank Judge Rosalyn Higgins, President of the International Court

of Justice, for her comprehensive presentation of the Court's report, which provides an account of the many activities undertaken by the International Court of Justice in the implementation of its duties.

The report before us illustrates once again the expanding role of the International Court of Justice in shouldering its responsibility as the main judicial body of the United Nations and the sole international court with universal jurisdiction and character. The Court is the most active mechanism capable of implementing the Charter's provisions for the peaceful resolution of international disputes based on the standards of international justice and law. The Court is therefore an essential instrument for the maintenance of international peace and security.

We were pleased to learn from the report that 192 States have joined the International Court of Justice Statute, while 67 States, including the Sudan, have deposited declarations of acceptance of the Court's compulsory jurisdiction. That sends a meaningful signal that reaffirms the trust of Member States in the International Court of Justice's ability to resolve disputes in an honest way and in accordance with the provisions of international law. Another positive sign is the continuing increase in the number of cases pending before the Court. That strengthens trust in the Court and its ability to undertake the most urgent and important tasks of the United Nations, namely, the peaceful settlement of disputes.

The 2005 World Summit Outcome recognized the increasing number of challenges facing the international community, as well as the urgent need to strengthen the capacity of the United Nations to make it possible to overcome those challenges efficiently and effectively. As the International Court of Justice is one of the main organs of the United Nations, and therefore confronts similar challenges as the ones facing the Organization, it is important to both support and increase the capacities of the Court. One of the first steps that can be taken in that regard is to accept the legal jurisdiction of the Court.

As the Court carries out its tasks, it is only logical to accept its rulings, because justice cannot be fragmented or negotiated. Here, we recall the Advisory Opinions issued by the Court, including its Advisory Opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory. The failure to comply with that Opinion

defies the will of the international community and mocks international justice.

No discussion of the obligation of Member States to support the Court would be complete without referring to the burden placed upon it and the need for it to shed light on the challenges and obstacles in its way while proposing appropriate recommendations for the consideration of Member States.

My delegation would like to stress the importance of making voluntary contributions to the Secretary-General's Trust Fund in order to help countries bear the expenses of the cases that they have brought before the Court. In particular, supporting the Fund would enable poor countries to achieve peaceful settlements of disputes.

My delegation commends the Court for its efforts to disseminate its publications to Member States and to increase access to those publications, particularly through its website, which gives users an opportunity to view the Court's rulings, Advisory Opinions and Orders, thereby enhancing harmony under international law. We believe that the Court must continue those laudable efforts by striving to strengthen its ties with other international legal bodies, as well as with regional and national ones, to raise awareness of the Court's role and activities.

Finally, my delegation reaffirms its confidence in the important role played by the Court. We renew our commitment to supporting it so that it can carry out its tasks in the best possible manner.

Mr. Andrianarivelo-Razafy (Madagascar) (*spoke in French*): The delegation of Madagascar wishes to thank Ms. Rosalyn Higgins, President of the International Court of Justice, for her excellent presentation of its report, which contains relevant information enabling us to appreciate the progress made and the effectiveness of the work of all the Court's personnel in recent years.

In this year of the celebration of the Court's sixtieth anniversary, the delegation of Madagascar congratulates the International Court of Justice on the important role it has played for 60 years as the principal judicial organ of the United Nations and the forum par excellence for the pacific settlement of disputes among States.

The significant number of conflicts in today's world makes us believe that, more than ever before,

humanity needs an essential framework for promoting its security and development, with respect for the rule of law at the national and international levels. The United Nations bears a particular responsibility as the only universal Organization charged with ensuring respect for human rights and establishing the conditions needed for the maintenance of justice.

In that regard, the International Court of Justice, which is a judicial entity of the United Nations, plays a primary role in strengthening the rule of law. The diversity of the cases brought before the Court confirms that it is the only international court of a universal character with general jurisdiction, before which States have the obligation to justify the legality of their conduct or their actions under international law.

It should be emphasized that, because of State sovereignty, the principle and norm whereby no State can have obligations imposed upon it, States freely submit their disputes to the Court. The protection and implementation of the principle of sovereignty in the area of international litigation are given concrete expression by the rule of the consensual character of competence. That character guarantees that judicial decisions will be carried out.

Furthermore, Article 94 of the Charter is explicit in conferring on the Security Council the power to decide, if necessary, on measures to be taken to execute a ruling. Under the Charter system, only the Council and the International Court of Justice have the power to take decisions that, by their obligatory nature, are not subordinate to the acceptance of the State concerned. Under those conditions, all decisions of the Court are effective. It is within the institutional structure of the United Nations itself that the question of the effectiveness of its decisions arises.

The universality of the Court is due to the fact that, over the 60 years of its existence, it has dealt with cases from every region of the world. To date, 67 States out of the 192 Members of the United Nations have recognized the binding jurisdiction of the Court. We urge States that have not yet done so to recognize the Court's jurisdiction as binding, in accordance with Article 36, paragraphs 2 and 5, of its Statute. For its part, Madagascar deposited its declaration of acceptance upon its admission to the United Nations, on 20 September 1960.

We recall that, in the Millennium Declaration and the Outcome Document of the 2005 Summit, Heads of State or Government decided to spare no effort to strengthen the rule of law and respect for all internationally recognized human rights and fundamental freedoms. On that occasion, they emphasized "the obligation of States to settle their disputes by peaceful means in accordance with Chapter VI of the Charter, including, when appropriate, by the use of the International Court of Justice." (*resolution 60/1, para. 73*).

The unprecedented increase in the number of cases brought before this international juridical body over the past decade shows us the increased confidence that it inspires and the increased importance of its activities. In addition to land and maritime border disputes, the Court currently has on its docket cases involving the issues of genocide and the use of force. We welcome the Court's efforts to manage its increased workload with the maximum efficiency. They include adopting new measures to specifically address the Court's internal functioning, the increased use of information technology and the amendment of certain provisions of its Rules in order to speed up proceedings. In that connection, the delegation of Madagascar supports the plan to strengthen qualified human resources and to increase financial resources in proportion to its workload.

Experience has shown that recourse to the Court has not only alleviated conflicts, but has also helped to establish lasting settlements owing to its impartiality.

On this happy occasion, I should like to conclude by wishing the Court every success in its future work.

Mr. Bayo Ojo (Nigeria): Let me at the outset congratulate the President of the International Court of Justice, Ms. Rosalyn Higgins, on the detailed and enlightening report on the activities of the Court for the period 1 August 2005 to 31 July 2006. It shows that, as the principal judicial organ of the United Nations, the Court is living up to the expectations of Member States.

We pay tribute to all the Court's judges for their commitment and devotion to upholding the principles of international law. For the 60 years of its existence the Court has demonstrated its capability to effectively discharge its dual role of deciding upon disputes submitted to it by Member States and advising the United Nations and its organs on legal issues.

It is a mark of the recognition of the important work of the Court that as at 31 July this year 192 Member States had become parties to its Statute, and that 67 of them, including Nigeria, had deposited with the Secretary-General a declaration of acceptance of the Court's compulsory jurisdiction, in accordance with Article 36, paragraph 2, of its Statute. Nothing should be done to undermine confidence in the Court's capability and proceedings. Meanwhile, we encourage States that have not yet done so to consider complementing their support with a declaration accepting the jurisdiction of the Court.

Further practical proof of the rising confidence in the Court is its increasing workload, which currently stands at 12 cases of varying subject matter drawn from all over the world.

Nigeria's attachment to the Court is deep and long-standing. It is reflected in the positive roles of eminent Nigerian jurists who have served on the Court, and is underscored by the voluntary submission of the dispute between Nigeria and Cameroon regarding the Bakassi Peninsula to the Court for adjudication and our adherence to its decision. On 14 August this year Nigeria lowered its flag for the last time and effectively withdrew its presence from the Bakassi Peninsula, in accordance with the ruling of the Court. With this final act, Nigeria has fulfilled its obligations under the terms of the agreement between it and Cameroon. This reflects political will at the highest levels of the two countries, dogged work and cooperation among senior officials, as well as the support and understanding of the international community.

May I in particular restate my country's appreciation of the positive contributions of the Secretary-General, Mr. Kofi Annan, who chaired Greentree, the meeting of the two countries last July, at the end of which the final agreement was signed. We are no less grateful for the sustained interest and support of the international community in this matter. Nigeria calls on all Member States to emulate this example of good-neighbourliness and the supremacy of international law in relations between States. Only then shall we attain global peace and stability, and especially strengthen the Court in its very important role. Indeed, this is consistent with Article 2, paragraph 3, of the Charter, which enjoins Members to "settle their international disputes by peaceful means in

such a manner that international peace and security, and justice, are not endangered."

Nigeria is happy to note that, in spite of its heavy workload, the Court is not just forging ahead, but is also devising measures to improve its working methods as well as secure greater collaboration from the parties to proceedings. We note with satisfaction the Court's efforts to rationalize the work of its Registry, to revise certain provisions of its Rules, to shorten and simplify proceedings and to increase the number of decisions reached each year. We are confident that the utmost care will be exercised to ensure that due process is followed at all times.

We agree with the observations in the report that, given the Court's activity and the need for it to respond as rapidly as possible to pending cases, Member States should provide it with the wherewithal to carry out its numerous tasks. This includes adequate funding and staffing. While we shall coordinate efforts within the United Nations to do so, we believe Member States can and should consider making voluntary contributions to the Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice. We urge all Member States to sustain their clearly exemplified confidence in the Court, not only by taking cases before the Court, but also through adherence to its decisions. This will enhance the Court's relevance and ensure its universality.

Finally, Nigeria urges the Court to continue to give meticulous, impartial and professional attention to all cases coming before it, as well as to all its other duties under the Statute.

Mr. Hachani (Tunisia) (*spoke in French*): It is a great pleasure for the delegation of Tunisia to take the floor on this agenda item.

At the outset I wish, on behalf of my delegation, to thank Judge Rosalyn Higgins, President of the International Court of Justice, for her detailed and comprehensive statement on the work of the main judicial body of the United Nations. Her report reflects the valuable role that the Court plays in the peaceful settlement of disputes among States and the promotion of international law in international relations. Tunisia welcomes the contribution the Court has consistently made since its establishment to the development of international law and the promotion of peace and security in the world. By offering a prudent, civilized

alternative to violence and recourse to force, the Court helps to strengthen the peaceful coexistence of peoples.

There is no doubt that the large number of cases and questions before the Court today clearly reflect the increased confidence of the international community in the role of the Court and the impartiality, independence and credibility of its decisions. This increase has, nonetheless, imposed on it the obligation to carry out successfully a strict and constant review of its rules of procedure and working methods to cope with an ever heavier workload. We support its ongoing efforts in this area, and call upon all Members of the United Nations to show greater interest in the Court's difficulties over its staffing and financial resources, and to do everything possible to ensure that it can carry out its work more effectively and thus contribute more quickly and systematically to the peaceful settlement of disputes.

The Opinions of the Court are unanimously considered the best formulation of the content of international law in force. We reaffirm the importance of the Court's Advisory Opinions, which are issued at the request of the Security Council or the General Assembly. We believe that the Council would benefit from making greater use of the experience of the principal judicial organ of the United Nations to strengthen the legal value of its resolutions seeking to establish international peace and security. By using the Advisory Opinions of the Court, the General Assembly, too, could strengthen its capacity to carry out its tasks as perfectly as possible.

Despite their advisory nature, the Opinions of the Court should be taken seriously. This applies to the Advisory Opinion rendered by the Court at the request of the General Assembly on the legal consequences of building a separation wall in the occupied Palestinian territories. This Advisory Opinion constitutes a clear and unambiguous interpretation of an important legal principle that we should all be familiar with, namely, that occupying the territory of others by force is forbidden.

The invitation to strengthen the principles of democracy and the rule of law should not be limited to the national level. These principles should be strengthened and respected by the international community and in international relations. That is why the International Court of Justice, being the principal judicial organ of the United Nations, is qualified to

play a decisive role in strengthening these principles so as to promote and reaffirm law and justice.

We believe that the reform of the United Nations should include the International Court of Justice, so that it can genuinely carry out its mission in a world that is undergoing radical change.

In conclusion, I reaffirm the great importance that Tunisia attaches to the lofty cause and action of the International Court of Justice as the principal judicial body of the United Nations. We hope that the Court will be given the resources it needs to maintain the pace of its work and the quality of its deliberations, thus continuing to make an active contribution to strengthening the primacy of law and the promotion of international justice.

Mr. Joel Hernández (Mexico) (*spoke in Spanish*): The delegation of Mexico wishes to express sincere appreciation to the International Court of Justice for the work carried out in the past year and, in particular, to its President, Judge Rosalyn Higgins, for the report submitted this afternoon. We also appreciate her presence in the Assembly, where she has shared developments of the Court with representatives and legal advisers to Foreign Ministries of Member States. Clearly, her presence does us honour and reflects her personal dedication to international justice.

Mexico congratulates the Court on its sixtieth anniversary on 12 April. During its 60 years the International Court of Justice has shown that it is ever more important in interpreting, developing and applying international law. But, above all, we confirm that year after year the Court is a fundamental component of the international system for the maintenance of international peace and security. There is no doubt that its uninterrupted work over this period demonstrates that the confidence of States in the Court has grown considerably, thanks in part to its efforts to constantly improve its working methods.

We also congratulate Judge Rosalyn Higgins and Judge Awn Shawkat Al-Khasawneh on their election as President and Vice-President of the Court, respectively. We welcome the fact that a woman is presiding over the Court for the first time in its 60-year history, and reiterate our confidence that more women will become judges in the Court in the near future.

I also express the satisfaction of the Government of Mexico at the election of Mr. Bernardo Sepúlveda to

the highest world tribunal, and my country's gratitude to the General Assembly for that honour. It is the first time since 1973 that a Mexican has assumed this high function, resuming a longstanding tradition of promoting the best Mexican jurists to this lofty position. We are convinced that the work of Judge Bernardo Sepúlveda in the Court will further the strengthening of the primacy of international law in relations between States.

Allow me to stress some of what we regard as the most important aspects of the past year. We welcome the fact that, for the second time, a country has accepted the jurisdiction of the Court under the provisions of Article 38, paragraph 5, of the Rules of the Court. My country attaches great importance to promoting recognition of the jurisdiction of the Court through declarations by States, but, clearly, we must recognize that voluntary acceptance of the Court's jurisdiction is a mechanism that States can also use as a way of settling a dispute by peaceful means.

The Court is becoming increasingly involved in matters of great complexity and importance for international law. I refer, for example, to the work that the highest jurisdictional body of the United Nations has carried out in connection with cases of the crime of genocide: Application of the *Convention on the Prevention and Punishment of the Crime of Genocide* (*Bosnia and Herzegovina v. Serbia and Montenegro*) and Application of the *Convention on the Prevention and Punishment of the Crime of Genocide* (*Croatia v. Serbia and Montenegro*). This shows once again that the Court is playing a very important role in international efforts to maintain peace among peoples.

International humanitarian law seeks to protect those who have suffered the consequences of armed conflict. In the cases I have just mentioned the Court promotes the application of that branch of international law. In the case of *Bosnia and Herzegovina v. Serbia and Montenegro* the Court held several hearings to collect testimony from witnesses and experts, thereby entering the difficult but important area of obtaining evidence from those directly involved in the conflict. Even more interesting, the Court has had to consider how to take into account the jurisprudence of the International Criminal Tribunal for the Former Yugoslavia.

In this connection, it is important that the Court has taken into account the International Law

Commission Articles on International Liability of States for wrongful acts, which it did in considering the case of *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*. We can see, therefore, that with these actions the fears that the law would be fragmented have been dispelled. The existence of several international legal tribunals and organs will not create chaos in international law, if each performs its function within the competence assigned to it. But if the Court itself takes into account the work done in other forums, progress will be made in harmonizing the international legal system.

I wish also to express the appreciation of the Government of Mexico for the publication of summaries of the Judgments of the Court in Spanish. This extremely important publication of the Court is very useful to students and others studying international law in Spanish-speaking countries. Nevertheless, of all the cases concerning Advisory Opinions requested by the General Assembly, the Security Council and the specialized agencies, only two were translated by the United Nations Secretariat. My delegation is holding consultations in the Sixth Committee to remedy this situation through translation into the official languages of the United Nations of languages which are not the official languages of the Court, so that all the Advisory Opinions exist in the six official languages of the United Nations.

In addition, we are aware of the Court's need for support in continuing to carry out its great mission. Of course, it is crucial that the judges have the requisite human and material support to perform their duties. We agree with the Court's appeal with regard to there being only five law clerks to carry out the legal research for 14 judges and all the ad hoc judges elected for each case. It is important that, given the enormous workload, the General Assembly heed the Court's appeal, reiterated by the President today, to increase the number of law clerks.

I conclude by reiterating Mexico's commitment to the Court's lofty purposes. We are convinced that the main judicial organ of the United Nations should continue to be strengthened, in order that the peaceful settlement of disputes submitted to it by States shall contribute to the future maintenance of international peace and security.

Mr. Sen (India): At the outset, I thank the President of the International Court of Justice, Judge

Rosalyn Higgins, for her detailed and comprehensive presentation of the report of the Court.

The International Court of Justice, the principal judicial organ of the United Nations, is an important forum for the peaceful settlement of international disputes. In April the Court celebrated the sixtieth anniversary of its inaugural sitting. We congratulate the Court on its distinctive contribution to the maintenance of international peace and security in all the years of its existence.

The United Nations was established to save succeeding generations from the scourge of war. Its founding fathers sought to achieve that objective by the twin approach of prohibiting the use of force under Article 2, paragraph 4, of the Charter and by promoting the peaceful settlement of international disputes under Article 33. As a central element in the promotion of international peaceful settlement, departing from the model of the League of Nations, the Charter of the United Nations established, through Article 92, the International Court of Justice as its principal judicial organ. Further, in the case of disputes under consideration by the Security Council, Article 36, paragraph 3, directs the Security Council to recommend to the parties that they refer all legal disputes to the International Court of Justice. Finally, Article 92 makes the Statute of the International Court of Justice an integral part of the Charter.

The foregoing provisions clearly indicate the respect for, and the central role assigned to, the International Court of Justice within the United Nations Charter system. That is a status that is unique to the International Court of Justice, and not enjoyed by any other tribunal established since 1945.

The recent period has witnessed the creation of a number of specialized regional and international courts. The political process connected with the establishment of special international judicial bodies has been, on occasion, perceived as diminishing the role of the International Court of Justice in the field of the peaceful settlement of international disputes. Moreover, legitimate questions have been raised about the legal basis underlying the establishment by the Security Council of the ad hoc International Criminal Tribunals established for the former Yugoslavia and Rwanda. The Security Council does not have that power under the Charter, and, while it can set up subsidiary bodies, it cannot give them powers that it

does not have itself: the established legal principle of *nemo dat quod non habet*. The lack of challenge from the general membership of the United Nations does not mean acceptance of such an exercise in the future, still less any general endorsement of a power that the Charter does not give.

However, despite all those developments, the International Court of Justice still remains the only judicial body with legitimacy directly derived from the Charter, enjoying general jurisdiction and available to all States of the international community on all aspects of international law. All other international judicial institutions, established as they are with competence over specified fields, are confined to their limited areas of jurisdiction and lack general jurisdiction of a universal nature.

Over the past 50 years the Court has dealt with a variety of legal issues. Its Judgments have covered disputes concerning sovereignty over islands, navigational rights of States, nationality, asylum, expropriation, the law of the sea, land and maritime boundaries, the enunciation of the principle of good faith, equity and the legitimacy of the use of force. The issues currently before it are equally wide ranging, and its Judgments have played an important role in the progressive development and codification of international law. Despite the caution it has exhibited, and the sensibility it has shown to the political realities and sentiments of States, the Court has asserted its judicial functions and consistently rejected arguments to deny it jurisdiction on the ground that grave political considerations were involved in a case in which it otherwise found proper jurisdiction for itself. Thereby the Court clearly emphasized the role of international law in regulating inter-State relations, which are necessarily political.

In the same vein, the Court — or for that matter any other competent judicial body — should not regard itself as precluded from questioning the validity of a Security Council resolution in so far as it affects the legal rights of States. The issue was raised very pointedly by Judge Shahabudin and others in the Lockerbie case.

Many legal scholars rightly emphasize that the Court should not concede to the Security Council a place above the Charter; it should, rather, adopt a textual approach to Article 39, the wording of which contains all the necessary elements for a delimitation

of the competences of the Security Council under Chapter VII. The Court should not hesitate to affirm the rule of law in the international legal order. In the Lockerbie and Namibia cases the Court showed that it has the power of judicial review, but, unfortunately, this is limited to a very few contentious proceedings and a very few Advisory Opinions that are sought. The power of judicial review has been a crucial element in a democratic system of checks and balances ever since Marshall's famous judgment in *Marbury v. Madison*. The most practical, and perhaps the only, way of introducing those checks and balances into the functioning of the Security Council is through an expansion of the permanent and non-permanent membership of the Council and a transformation of its working methods. That is important, because sometimes the justice that is done by the Security Council is really the kind of justice that is done after the heavens fall, and that is why so often we are busy catching the larks.

The phenomenal explosion of the Court's docket attests to the Court's high standing and authority, not only in the United Nations system, but in the international community itself. It also reflects the increased relevance of, and respect for, due process of law that States exhibit, and is an affirmation of faith in the Court. From being in a situation in which, in the early 1970s, it was called the Court without a case, it is now faced with the problems of plenty. In fact, it now finds itself in the position of being unable, within its existing resources, to respond effectively and in time to the demands made on it as a result of its increasing workload.

As emphasized in its report, the Court is taking various measures to rationalize the work of its Registry, making greater use of information technology, improving its working methods and securing greater collaboration from parties to reduce the time taken for individual cases. The report says that the Court's docket increasingly includes fact-intensive cases, which raise new procedural issues for it. The Court's request, therefore, for individualized legal assistance for all its members is reasonable and must be implemented urgently to enable it to efficiently carry out its designated functions as the principal judicial organ of the United Nations.

Mr. Maqungo (South Africa): Allow me to take this opportunity to thank the President of the

International Court of Justice, Judge Rosalyn Higgins, for her elucidating introduction of the Court's report.

We commend the Court for taking steps, such as rationalizing the work of the Registry, to absorb the increasing workload it faces.

South Africa is fully committed to the peaceful resolution of disputes. Hence, the International Court of Justice is very important to us as the judicial forum for resolving disputes peacefully. We are encouraged by the growing number of States, in particular African States and other developing States, that are bringing their disputes before the International Court of Justice rather than resorting to less peaceful means.

It is also gratifying to see the evident political will to implement the decisions of the International Court of Justice. We witnessed the continued implementation of the decision of the Court regarding the Bakassi Peninsula, disputed between the two friendly nations of Nigeria and Cameroon, when, on 14 August, it was reported that the Nigerian military had withdrawn from part of the disputed peninsula, consistent with the decision of the Court. In addition, we have just heard from the Minister of Justice of Nigeria comments to that effect.

Another positive development has been the conduct of the friendly Government of Uganda in proceeding to negotiate reparations to its neighbour, the Democratic Republic of the Congo, following the ruling of the Court in their case last December, which was in favour of the Democratic Republic of the Congo. In a different case, involving the Democratic Republic of the Congo and Rwanda, the Court handed down a Judgment indicating that it had no jurisdiction in the case.

In the year under review there have also been cases between small and larger countries, as demonstrated by the case involving two friendly countries, Djibouti and France, where France accepted the jurisdiction of the Court, as well as the case of France and Congo-Brazzaville, involving an issue similar to that in the Djibouti and France case. The President of the International Court of Justice has already spoken extensively about those cases, which are indeed evidence of positive developments in respect for the rule of law and the peaceful resolution of disputes.

The growing trend by countries, in particular developing countries, to resolve their disputes through utilization of the Court must therefore be encouraged. The Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice must therefore be maintained and more widely publicized. It is worrying that the Fund has had a decreasing level of resources since its inception, and that the number of contributions to it remains low. We encourage all States and other relevant entities to contribute to the Trust Fund. We take note that the Fund has received no application in the year under review, and attribute that to lack of information regarding its availability.

Let us now turn to the working methods of the Court. Recent cases before it, such as those of the Democratic Republic of the Congo and Uganda and the Bosnia and Serbia case, have involved extensive fact-finding by the Court. To a large extent, the Court traditionally relies on documentary evidence to ascertain the factual situation in any given case, while international criminal tribunals — such as the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda — in similar situations rely heavily on oral evidence. We appreciate the difference in constitution between the International Criminal Tribunals, on the one hand, and the International Court of Justice, on the other. But we believe that the Court may wish to avail itself of greater use of oral testimony in order to resolve factual disputes, rather than keep its traditional reliance on documentary evidence. We have taken note of the report by the President of the Court that it has in fact made use of oral testimony since 1991, and encourage it to do so more often. For that reason, the South African delegation is favourably disposed to consider a request by the Court to increase the number of law clerks to ensure that the Judges can work more rapidly and efficiently in their deliberative and adjudicatory tasks.

We would also like to take this opportunity to wish the Court a happy sixtieth anniversary.

Mr. Chávez Basagoitia (Peru) (*spoke in Spanish*): I would like to thank the President of the International Court of Justice, Judge Rosalyn Higgins, for her detailed and comprehensive introduction of the Court's annual report.

Since its establishment, the International Court of Justice has made an essential contribution to the maintenance of international peace and security; the fulfilment of the fundamental purposes of the United Nations through the peaceful resolution of legal disputes between States; the development of international law; and the observance of the rule of law. That contribution continues to be essential. As we celebrate 60 years since the Court began its work, the number of cases submitted to it, in terms of disputes both for resolution and for Advisory Opinions, continues to grow. That reflects the effectiveness of the Court as a mechanism for the peaceful settlement of disputes as well as the international community's confidence in its impartiality, independence and professionalism. We therefore congratulate the judges on what they have achieved in those 60 years, and encourage them to continue to shoulder the great responsibility entrusted to them by the international community.

Peru believes that it is of the utmost importance that the jurisdiction of the International Court of Justice be universally accepted. We therefore call upon States that have not yet done so to consider accepting the binding jurisdiction of the Court. Peru would also like to express its gratitude to the States that have made contributions to the Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice. We also join the Secretary-General's often repeated appeal to States, intergovernmental organizations, national institutions, non-governmental organizations, people working in the law and ordinary citizens to make financial contributions to the Fund.

Peru recognizes the importance of justice being administered both efficiently and in a timely manner. Peru therefore urges the Court to continue its efforts to improve its working methods and rules. In that connection, we hope that the new edition of the publication setting out the instruments governing the work and practice of the Court, as well as its rules, will soon be available in all the official languages of the United Nations. We make that appeal as regards language because we are convinced that the work of the Court should be well known throughout the world, not only in governmental and academic circles, but also, and above all, among the general population.

In that regard, we emphasize the Court's contribution to the discussion of its activities and decisions, especially through its website, which is soon

to be updated, and encourage it to continue in that direction, particularly through making available in all the official languages of the United Nations its Judgments, findings and Advisory Opinions. We reiterate our proposal concerning the possibility of having academic institutions cooperate in translating that documentation, to be made available by electronic means to those who are interested.

Peru agrees with the President of the Court that with carefully balanced continued change the Court continues to be an example and guide for our constantly growing international legal system.

As a country that has historically demonstrated its strict compliance with international law, Peru will therefore continue to support the International Court of Justice in the discharge of its important responsibilities.

Mr. Henczel (Poland): The Polish delegation fully associates itself with the statement made by the representative of Finland on behalf of the European Union. In addition, in the year of the sixtieth anniversary of the inaugural sitting of the Court, we would like to share a few more reflections on the Court's jurisdiction and the challenges it is facing.

Concerning the history of the Court, allow me to recall with appreciation the work of the eminent Polish judges, Professor Bohdan Winiarski and Professor Manfred Lachs. They contributed substantially to the development of the jurisprudence of the Court, and were also honoured to serve as its President, from 1961 to 1964 and from 1973 to 1976 respectively.

As for the scope of the Court's jurisdiction, it is regrettable that today, of 192 Member States of the United Nations, only 68, including Poland, have made declarations recognizing the jurisdiction of the Court as compulsory. Wider acceptance of the jurisdiction of the International Court of Justice becomes an imperative of our time, due to the extraordinary expansion and development of the body of international law.

We need not only to strengthen the international rule of law, but equally to counteract one of the greatest weaknesses of international law: its ineffective implementation. It is in this context that the international community should perceive its duty to strengthen both judicial and non-judicial means of implementing international law. For those of us who

are guided by the wisdom of the Roman law tradition, the obvious conclusion follows from the statement *Ubi ius ibi remedium* — Where there is law, there must be a remedy. As Judge Higgins pertinently pointed out during the Security Council's thematic debate on the strengthening of international law, on 22 June, "strengthening international law" means "the widening and deepening of the content of international law, and... the fortifying of the mechanisms for securing compliance with or enforcement of international law" (S/PV.5474, p. 5).

The International Court of Justice is a reflection of international law in force, with all its strengths and weaknesses. Therefore, it is so important to have a Court that is able to develop jurisprudence of international law and remedy its weaknesses. Through a number of cases, the Court has introduced interpretations of rules or principles going well beyond the parameters of individual judicial determinations and paving the way for new legal thinking or approaches.

As is the case with other judicial institutions, the International Court of Justice is sometimes confronted with attempts to politicize its activities in both contentious and advisory jurisdictions. It should be firmly emphasized that the Court's judicial role has prevailed over such attempts and has become a well-established principle of its *modus procedendi*. In that way the Court has strengthened its authority as the principal judicial institution of the United Nations.

Another dilemma facing judicial institutions, including international courts, is whether their conduct should be tailored to what is termed judicial constraint or to judicial activism. Weaknesses of, and lacunae in, international law may naturally invite temptations to excessive judicial activism by actually developing international law. The collective wisdom of the International Court of Justice has demonstrated that the focus has commendably been concentrated on its role of judicial constraint, with a reasonable proportion of judicial activism. The Court thus offers solid, well-reasoned and profound interpretations without replacing the Governments in their law-making role.

Recent years of the activity of the International Court of Justice have seen, as its annual report says, at page 75, "Still a heavy caseload, but a reduced backlog". It must be noted that in addressing the problem of its workload the Court did not rely solely

on its budgetary requests. The Court regularly reviews its methods of work and adopts various organizational and procedural improvements. However, there is still a need for continued rationalization and modernization of procedures to ensure efficient proceedings without undue delays. As in domestic jurisdictions, the International Court of Justice should be guided by the principle "justice delayed, justice denied". Although a grave and large-scale malaise of excessively lengthy judicial proceedings has not yet gravely affected the International Court of Justice, such a risk cannot be underestimated.

Significant lessons in this respect can be learned from domestic and other international judicial systems that are already confronted with the phenomenon of protracted judicial proceedings. One general lesson is that this problem of lengthy proceedings needs to be addressed in anticipation. Another conclusion, and quite a surprising one, is that increased financial and other resources can remedy the situation, but only to a certain extent and for a limited temporal duration. It has been the experience of the European Court of Justice in Luxembourg and the European Court of Human Rights in Strasbourg that budgetary increases and the growth of judicial infrastructure are essentially helpful, but that their momentum has its limitations, because the workload starts to be on the increase again. This is why more far-reaching and profound reforms of the bodies and proceedings should be envisaged well in advance. Otherwise, harmful effects may generate irreversible consequences for international law.

Let me add a few observations on the so-called proliferation of international courts and tribunals. The position of the International Court of Justice as the only international judicial body to possess general jurisdiction cannot be questioned. A discernible trend towards further judicialization of modern international law has been noted. Not only has the number of regional courts increased, but so, too, has the number of ad hoc and specialized, sectoral courts. This trend proves that international law is undergoing a fundamental transformation, which strengthens its judicial power. However, proliferation of international courts has raised many concerns about possible overlapping jurisdictions, conflicts of jurisprudence, threats to cohesion of international law, and forum shopping, which would allow Governments to file their applications with the courts most favourable to their arguments.

It appears that most of these concerns may be exaggerated. In her address at the ceremony marking the tenth anniversary of the International Tribunal for the Law of the Sea, the President of the International Court of Justice, Judge Rosalyn Higgins, noted that they had not proved significant and that some overlap was inevitable.

Although that proliferation of courts has not yet brought about serious instances of conflicts between the international jurisdictions, first cases of conflicting jurisprudence have been discernible. If, nevertheless, certain conflicts between the international jurisdictions occur, they should be attenuated by the collective wisdom of the judges, and the consistency of the jurisprudence will be maintained.

The Court's unique character and its increasing role in our global society found its proper expression in the declaration by the presidency on behalf of the European Union on the occasion of the sixtieth anniversary of the Court on 12 April 2006:

"While the establishment of specialized international courts, tribunals and other dispute settlement institutions confirms the increasing acceptance of the judicial settlement of disputes, the ICJ remains the principal judicial institution and at the heart of an international order based on the rule of law".

The Government of the Republic of Poland highly appreciates the International Court of Justice, which, as President Shi rightly pointed out in his presentation of the Court's 2005 report, deals "with cases as promptly and efficiently as possible while maintaining the quality of its judgments and respecting the consensual nature of its jurisdiction" (A/60/PV.39, p. 6). Therefore, the Polish delegation supports the Court's budgetary proposals, which would enable it to better serve the international community. Strong international law requires a strong international judicial institution.

Mr. Belinga-Eboutou (Cameroon) (*spoke in French*): This debate on the report of the International Court of Justice is, in the view of my delegation, of twofold importance. First, it comes at a time when the Heads of State and Government of Member States agree that international law is vital in inter-State relations, as their conclusions at the 2005 World Summit, as well as in the Millennium Declaration, clearly illustrate. Secondly, it is important because it is

taking place in the year when the Court celebrates its sixtieth anniversary. We congratulate Egypt on its initiative with regard to the draft resolution (A/C.6/61/L.6) on this event, an initiative with which Cameroon is happy to associate itself.

We would like to express our warm appreciation to Ms. Higgins, President of the International Court of Justice, for the excellent quality of the solid and detailed report she has just presented, a report whose merits have been stressed by several previous speakers.

The International Court of Justice has never had so much success as it has over recent years. Member States are entitled to welcome this success, particularly at a time when the rule of law, at both the national and international levels, has become one of the major concerns of our day. This admirable vitality of the Court stems from the juridical quality of its judgments and the increasingly great speed with which it takes up cases before it. It also demonstrates the essential role of the Court, the principal judicial organ of the United Nations, in the contemporary international juridical system, because of its remarkable contribution both to the development of international law and to the maintenance of international peace and security.

The presentation of the Court's report for the period August 2005 to July 2006 gives the Cameroon delegation an opportunity to outline a few ideas on a question that has drawn the attention of States over recent years, and on which a number of delegations have spoken in this debate: the implementation of certain decisions of international jurisdictions, in particular by the International Court of Justice itself.

It is not the task of the Court to ensure the execution of its Judgments, unless, of course, the parties expressly request it; its judicial function ends the moment it hands down its Judgment. But a judge cannot be entirely indifferent to the fate of his Judgment, even if it is ultimately up to the parties to find the best ways and means to implement the verdict of the Court.

In this regard, the experience of implementing the Court's Judgment of 10 October 2002 on the land and maritime boundary between Cameroon and Nigeria is worth sharing. Implementation, which began in November 2002, took a decisive turn with the conclusion between Cameroon and Nigeria of the Greentree Agreement of 12 June this year, which was signed by the Heads of State of the two countries and

countersigned by the Secretary-General of the United Nations and the representatives of Germany, the United States, France and the United Kingdom. The agreement is part of the comprehensive mechanism for implementation of the Judgment, with the two heads of State and the Secretary-General as the political entity and the Cameroon-Nigeria Mixed Commission the body tasked with the technical follow-up of the process. The Commission, established through the good offices of the Secretary-General, is under the chairmanship of his Personal Representative.

The effective implementation of the Greentree Agreement began on 14 August 2004 with the withdrawal and transfer of authority in the Bakassi Peninsula. That required courage, patience, wisdom and perseverance on the part of President Paul Biya of Cameroon, and open-mindedness, commitment, determination and a clear view of what was at stake on the part of President Olusegun Obasanjo of Nigeria. They needed a long-term vision of relations between two States and two fraternal peoples — a vision buttressed by a profound commitment to peace — to prevent a conflict in which the armed forces of the two countries had confronted each other for 12 years degenerating into a general conflagration that could have consumed the Gulf of Guinea and would undoubtedly have further destabilized the African continent.

The Secretary-General, Mr. Kofi Annan, needed finesse and diplomatic tact, as well as conviction and a high-minded sense of duty, to ensure that his good offices were successful, thus making possible what unquestionably constitutes the greatest success in the field of peace in the world in 2006.

Surely Africa deserves to have the international community take note of this exemplary model for the peaceful settlement of disputes, and to receive the attention of all the bodies that encourage those who promote the cause of world peace? For it is now generally agreed that this unprecedented experience could be a model in its field, as the Secretary-General himself has said.

Strengthening the role of the International Court of Justice, as advocated in the proposed reform of the United Nations, requires strengthening the confidence of States in the Court. That is possible only if the States parties to a case before it have a guarantee that

its Judgment will be carried out. As we said here on 29 September last year,

“Implementation of the rulings of the International Court of Justice — for which it is not responsible — remains of pivotal importance to international peace and security, because a dispute does not end, and is not considered to have ended, until the Court’s ruling has been fully implemented.” (A/60/PV.25, p. 11)

On 27 October 2005 we recalled:

“Notwithstanding all of the pledges and statements of intent made, the Court cannot live up to the hopes of the international community unless its decisions are implemented fully and speedily.” (A/60/PV.39, p. 21)

Implementation of the Judgments is therefore of the highest importance.

In this spirit, my delegation would like to make some suggestions that may contribute to strengthening the mechanism laid down in Article 94, paragraph 2, of the Charter, the mechanism to which the representative of Madagascar referred.

First, the delegation of Cameroon wonders whether it might not be appropriate to have what we might call an updated reading of that provision of the Charter in the light of the recent evolution in the Court’s jurisprudence. Indeed, since its Order of 2 March 1999, in the *LaGrand* case, the Court considers that its Orders in terms of provisional measures are as binding as its Judgments. However, Article 94, paragraph 2, refers explicitly only to failure to implement a Judgment of the Court. So the question arises as to whether it would not be appropriate to interpret this provision in the future as extending also to all decisions rendered by the Court in contentious issues and having binding force.

Secondly, to extend the suggestions made here last year by Cameroon, on 29 September and 27 October, would it not be a good idea to consider creating a follow-up mechanism for implementation of the Court’s decisions? Such a mechanism, established within the framework of preventive diplomacy, could be attached to the Secretariat, which would thus be in a position to inform both the United Nations and all Member States. Clearly, if international peace and security are the business of each and every Member State, so is implementation of the Court’s decisions.

I have given just an outline of thoughts that I hope will commend themselves to the General Assembly. If it finds them to be of any interest, Cameroon will contribute at the most appropriate level with more exhaustive proposals.

Mr. Shah (Pakistan): At the outset, let me thank the President of the International Court of Justice, Judge Rosalyn Higgins, for presenting its report on its work during the past year. I also thank her for her excellent briefing on the role and functioning of the Court.

Justice and the rule of law are the key to an orderly international society. The need for international legal order and justice has never been so acutely felt as it is today. Justice and fairness have become an integral requirement of present-day existence. They are critical to the realization of all human rights.

Pakistan fully supports the aims and objectives of the International Court of Justice. We believe that strengthening the work of the Court will contribute towards the strengthening of international legal institutions, as well as the rule of law.

The Court's position as the principal judicial organ of the United Nations is unique. It is the only international court of a universal character with general jurisdiction.

Chapter VI of the Charter offers vast possibilities for the United Nations and its organs to play an important role in the pacific settlement of disputes and conflict prevention. Article 36, paragraph 3, clearly sets out the role of the Court in the settlement of disputes. Article 1, paragraph 1, recognizes that settlement of international disputes "by peaceful means and in conformity with the principles of justice and international law" is one of the basic purposes of the United Nations.

More than 300 bilateral and multilateral treaties provide for the Court to have jurisdiction in the resolution of disputes arising out of their application or interpretation. Almost 65 countries, including Pakistan, have accepted the compulsory jurisdiction of the Court in accordance with Article 36 of its Statute. In addition to the settlement of disputes, the Court can be consulted by the General Assembly and the Security Council on any legal question. Other organs of the United Nations and its specialized agencies can also consult the Court on legal questions, subject to

authorization by the General Assembly. The Court can also be consulted by States with their special agreement on specific disputes. These provisions offer a wide array of options for the settlement of disputes to Member States and the United Nations as a whole. It is for Member States and the United Nations organs to make the best possible use of the Court's facilities.

In pursuance of its aims and objectives, the Court has delivered excellent decisions during the period under consideration. We especially noted with appreciation the Court's Judgment delivered on 19 December 2005 in *Democratic Republic of the Congo v. Uganda*. The Judgment validates a number of fundamental principles of international law, including, first, the principle of the non-use of force in international relations; secondly, the prohibition of killing, torture and other forms of inhuman treatment of civilian populations; thirdly, the prohibition of the destruction of civilian property and the establishment of a distinction between civilian and military targets; fourthly, respect for human rights and international humanitarian law in occupied territories; fifthly, the establishment of law and order in occupied territories; and, sixthly, establishment of the principle of compensation for damages in occupied territories. We are of the view that this Judgment will go a long way in promoting respect for international law in the event of armed hostility.

We have also noted with appreciation the Court's efforts to re-examine its working methodology in order to tackle its heavy workload and to realize the work of the Registry. In view of the Registry's dual role of judicial support and international secretariat, it was an important challenge. We appreciate that these efforts have resulted in shortening the period between the closure of written proceedings and the opening of oral proceedings. We hope the Court will continue to periodically review its working methodology to meet upcoming challenges.

We have also taken note of the Court's views regarding the shortage of law clerks for the judges. We believe that the Court should have at its disposal all the resources necessary to perform the task assigned to it. The General Assembly should provide the Court with the resources needed to perform its work effectively and efficiently. We hope that a detailed proposal by the Court with its annual budget for 2008-2009 will find support at the time of its consideration.

The commitment we have made to strengthen and advance the international rule of law will be a lasting legacy for future generations. Pakistan stands ready to cooperate fully and to contribute fully to the work of the Court in realizing such commitments.

Mr. Ja'afari (Syrian Arab Republic) (*spoke in Arabic*): My delegation would first like to express its appreciation to Judge Rosalyn Higgins, President of the International Court of Justice, for her comprehensive statement about the International Court of Justice's work over the past year.

The International Court of Justice is an essential body and the principal United Nations organ guaranteeing the rule of law in international relations in a genuine manner, in a world that grows more complicated by the day. This is realized through the Court's role in achieving peaceful settlements of disputes amongst States.

As we celebrate the sixtieth anniversary of the Court's formation, Syria would like once again to commend the principal judicial organ of the United Nations, especially for its continued contribution to the advancement of international law and the encouragement of justice among States. In this regard, we note that two Syrian judges had the honour of participating in the settlement of international disputes in this competent Court. Syria has continuously and traditionally been interested in the proceedings of the Court, and has completely supported it. This is not unusual, since my country's region has from the earliest times witnessed forms of written human justice. In this regard, the Charter, in our opinion, is still relevant for dealing with current international issues, because it is based on justice and equality in international relations.

The International Court of Justice, 60 years after its formation, is more qualified by virtue of its Statute to undertake this task than ever before, owing to the international community's need for it and its increasing need for the international community. Here we note the Court's ruling in two cases and its adoption of precautionary measures in another case during the period under consideration. We also note the large number of cases submitted to the Court, cases that cover a variety of subjects. We also note clear geographic diversity of the States that have resorted to the Court. This reaffirms the credibility of the work, activities and legal Opinions of the Court. This

intensive workload reflects the fact that the Court embodies the principle of the equality of States before international law and that it is a neutral third party and guardian of international law, and as such presents a coherent international legal order.

The report presented by Judge Higgins mentioned many cases that the Court has recently considered. It also stated the results achieved and the respect which its rulings received. In that context, we express our appreciation for the Opinions of the Court and reaffirm that respect for them is the real and true test of a State's effective belief in the rule of law. That is because justice cannot only be a point of view; rather, its true value lies in its implementation and in the State's compliance with the ruling — whether that State is large or small, powerful or weak, rich or poor.

In that regard, we recall the Advisory Opinion issued by the Court on Israel's construction of the separation wall in the occupied Palestinian territories. The Court found that Israel's construction of the wall was in violation of international law and that Israel is therefore obligated to put an end to its violation of international law and to compensate for any damages caused by the wall's construction. The Court also found that all States are bound to recognize the illegal status arising from the construction of the wall, and that countries must guarantee that Israel abide by international humanitarian law as stated in the Fourth Geneva Convention.

Despite the fact that the legal Opinion of the Court stresses the need for the United Nations, including the Security Council and the General Assembly, to adopt measures to put an end to the illegal status arising from the construction of the wall, the Security Council regrettably has not played its role, due to the selectivity practised by some of its member States and their protection of Israel's violations of international law, as long as those violations serve their policies and interests.

In that regard, we wish to indicate another important legal Opinion issued by the Court, which is considered an important term of reference — namely, the Advisory Opinion on the Legality of the Use or Threat of Use of Nuclear Weapons. Here we also note that several nuclear-weapon States have, unfortunately, been speaking openly and irresponsibly over the years of the possibility of using such weapons. Such actions are a direct, open and illegal threat against other States.

Since the early 1990s the United Nations has witnessed an important wave of calls for reform. In that context, we must achieve balance in the working methods of the main organs of the United Nations, especially the Security Council and the General Assembly. We feel it is necessary in that context for the Court to monitor how these main organs abide by their mandate under the Charter, in particular the Security Council, as its agenda has become inflated in a worrisome manner and has extended beyond its mandate in many instances. The fact that the courts of some countries have deliberated the legitimacy of some of the measures adopted by the sanctions committees of the Security Council should ring warning bells and make us realize the dire urgency of strengthening the Court's role.

We have noted that the Court has a heavy workload, which we expect to intensify during the next few years, a matter that we cannot ignore. If we want it to be an effective and independent judicial body in the service of the international community, we must give the necessary attention to its staffing needs and financial needs. Syria therefore supported the introduction of two new professional posts for the 2007-2008 budget, and we hope that more resources will be allocated to the Court.

My country supports the proposals of the Court to increase the number of legal clerks. In that regard, we note that there are no specialized language employees, which causes the Court to resort to the services of interpreters from abroad. We hope that the Court will propose in its next programme budget the creation of the necessary posts for those tasks. We stress the importance of observing the principle of equitable geographic distribution in filling them, in order to guarantee the balanced representation of all the regions of the world and their respective legal systems. In addition, we encourage all countries that can make contributions to the Trust Fund to do so.

In closing, Syria once again expresses its respect and appreciation for the role of the Court in carrying out its tasks. It pledges to exert, with all other United Nations Member States that believe in justice and the rule of law, every possible effort to strengthen the Court's role in all fields.

The President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 70?

It was so decided.

The meeting rose at 6.20 p.m.



General Assembly

Sixty-first session

42nd plenary meeting

Monday, 30 October 2006, 10 a.m.
New York

Official Records

President: Ms. Al-Khalifa (Bahrain)

In the absence of the President, Mr. Al-Murad (Kuwait), Vice-President, took the Chair.

The meeting was called to order at 10.15 a.m.

Agenda item 81

Report of the International Atomic Energy Agency

Note by the Secretary-General (A/61/266)

Draft resolution (A/61/L.9)

The Acting President (*spoke in Arabic*): It gives me great pleasure to welcome Mr. Mohamed ElBaradei, Director General of the International Atomic Energy Agency, who will introduce the report of the Agency on its work during the past year.

I would like to take this opportunity to congratulate Mr. ElBaradei and the Agency on the award of the 2005 Nobel Peace Prize, which crowned their efforts to prevent nuclear energy being used for military purposes and to ensure that nuclear energy for peaceful purposes is used in the safest possible way. That is testimony to the pivotal role played by the Agency, whether in monitoring the development of atomic energy and its application for scientific purposes, and in providing assistance for this; in terms of the transfer of nuclear technology to developing countries; or in terms of ensuring the safety and verification of nuclear installations and programmes. The most recent developments at the international level in this regard show how important it is for Member States to continue to support the Agency.

I now invite Mr. Mohamed ElBaradei, Director General of the International Atomic Energy Agency, to introduce the report of the Agency for 2005.

Mr. ElBaradei (International Atomic Energy Agency): In the coming year, the International Atomic Energy Agency (IAEA) will commemorate its fiftieth anniversary. There is much to be learned by looking back on this half century of Atoms for Peace in its many applications, from the days of the first power reactor operations, safeguards inspections and safety standards, all the way to our programme today. As we commemorate this anniversary, our goal is to broaden awareness of the scope of the IAEA's mission and activities — our contributions to development, nuclear safety and security, and nuclear non-proliferation — and to provide forums to review the challenges and opportunities that lie ahead.

For the past five decades, the role of nuclear power has been shaped by many factors, such as growing energy needs, economic performance, the availability of other energy sources, the quest for energy independence, environmental factors, nuclear safety and proliferation concerns and advances in nuclear technology.

In the aftermath of the Chernobyl accident, the continued viability of nuclear power was viewed with scepticism for almost two decades. But recently we have seen rising expectations regarding the future role of nuclear power, particularly among developing countries. The rapid growth in global energy demand is putting a premium on all energy sources. Climate

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change concerns have highlighted the advantages of nuclear power in terms of its minimal greenhouse gas emissions. And the sustained nuclear safety and productivity record over the past 20 years has made nuclear operating costs relatively low and stable.

There are currently 442 nuclear power reactors operating in 30 countries, and they supply about 16 per cent of the world's electricity. To date, the use of nuclear power has been concentrated mostly in industrialized countries. But of the 28 new reactors currently under construction 16 are in developing countries. And while the highest percentage of existing reactors is in North America and Western Europe, recent expansion has been primarily in Asia and Eastern Europe.

Recently, the IAEA has begun emphasizing the role of energy for development, since it is becoming more and more clear that without energy there can be no development, and without development there is misery, which can often lead to violence. The energy shortage in developing countries is a staggering impediment to development. To put the matter in perspective, it is enough to mention that the countries of the Organization for Economic Cooperation and Development (OECD), on average, consume electricity at a rate roughly a hundred times that of the world's least developed countries.

The IAEA offers energy assessment services that build a State's capability for energy analysis and energy planning, taking into account the country's economic, environmental and social development needs. These services treat all energy supply options equally. They are in increasingly high demand, and we have been expanding our capacity to offer them.

The Group of Eight (G-8) Summit in St. Petersburg this summer emphasized the importance of global energy security. During my participation at the expanded summit there, I emphasized that, in my view, global energy security means fulfilling the energy needs of all countries and peoples, including the 1.6 billion people who have no access to electricity, and the 2.4 billion people who continue to rely on traditional biomass fuels.

I also emphasized at that meeting that, in my view, the current global organization of energy resource management and distribution is quite fragmented, in terms of both geographical coverage and the types of energy resources managed. Global

structures for setting norms, oversight and management exist in most other key areas of human activities, such as trade, civil aviation, labour relations and health, to name a few. However, no similar structure currently exists for energy.

It is important to note that, as a sophisticated technology, nuclear power requires a correspondingly sophisticated infrastructure. For new countries considering nuclear power, it is essential to ensure that such necessary infrastructure will be available. This infrastructure includes many components — from industrial infrastructure, such as manufacturing facilities, to the legal and regulatory framework, the institutional measures to ensure safety and security, and the necessary human and financial resources. The IAEA recently published guidance on the infrastructure needed for countries to introduce nuclear power, and we are working to define a set of milestones for the development of this infrastructure, to assist us in prioritizing our support for those member States.

Naturally, nuclear energy might not be the choice of all countries, and some, such as Germany and Sweden, have decided to phase out their nuclear power programmes. Other countries have also adopted a policy against the use of nuclear power. However, for those member States that choose to use nuclear power as part of their energy mix there is much that the Agency can do to make this option accessible, affordable, safe and secure.

For 50 years, technical cooperation has been a principal mechanism for implementing the IAEA's basic mission, Atoms for Peace. But 50 years ago many of the Member States that participated in the Technical Assistance Programme lacked all but the most rudimentary capabilities for applying nuclear science and technology. The IAEA role then involved a one-way transfer of technology to developing member States to help them establish basic scientific and technical capabilities.

Today, our Technical Cooperation Programme has evolved to be one of partnership that hinges on cooperation, the sharing of knowledge and expertise to promote sustainable growth and human security, in ways that contribute to many of the Millennium Development Goals. Many member State institutions now have capabilities equal to or exceeding those of the Agency. As a result, experience gained in one member State is often shared with others through a

variety of mechanisms. In Asia, Latin America and Africa, countries that were once heavily dependent on the Agency for advanced scientific expertise are now regional leaders in helping other countries in their region to make use of the varied peaceful nuclear applications.

Much of the IAEA's scientific work is focused on the transfer of peaceful nuclear technology in the fields of health, agriculture, industry, water management and preservation of the environment. The Agency works to build up member State scientific and technical capacities in a manner that supports their national development priorities. The IAEA also has projects that are designed to support regional priorities, such as the New Partnership for Africa's Development (NEPAD).

These efforts are making a difference. Let me offer two brief examples.

For many years, IAEA assistance in the field of radiotherapy has been used to cure or mitigate the effects of cancer. Recently, however, the Agency began working on an ambitious scale, through its Programme of Action for Cancer Therapy (PACT), to integrate radiotherapy into a broader cancer control framework, encompassing cancer prevention, diagnosis and treatment. Over the past year, relationships have been built with the leading organizations in the field of cancer control and research, including the World Health Organization, in order to assist member States with comprehensive cancer control programmes. Collaborative efforts are now under way to create model demonstration sites for cancer control in five countries. These sites will be used to attract additional donors by raising the profile of cancer as a global health concern.

Secondly, with Agency assistance, Member States are using isotope hydrology to address problems of water shortages and the depletion of groundwater resources through overuse. An excellent example is the active participation of Chile, Colombia, Costa Rica, Ecuador, Nicaragua, Peru and Uruguay last year in a regional technical cooperation project for managing groundwater resources in Latin America. As a result of this project, hydrogeological maps were developed, conceptual models were validated and associated databases were made available. They are now in use in participating institutions.

The safety and security of nuclear activities around the globe remain key elements of the IAEA

mandate. It is clear that the sustained effort to build a global nuclear safety regime is paying off. Operational safety performance at nuclear power plants remains strong. Occupational radiation protection indicators once again showed improvement over the past year. And we are continuing to make strides in strengthening physical protection at nuclear facilities and enhancing the security of nuclear material and radioactive sources worldwide.

But nuclear safety is not an issue that can ever be regarded as fixed. The strong, steady safety performance of recent years is reassuring, but the sporadic recurrence of events of concern makes it clear that the promotion of a strong safety culture — for both operators and regulators — should always be viewed as a work in progress.

The IAEA has for some time been emphasizing the need to better protect medical patients from inadvertently receiving excessive radiological doses. In the past three years, the number of Member States participating in projects in this area has increased more than threefold, from 21 to the current total of 78. The Agency is continuing its efforts to promote better safety performance in this area, including through improving access to related training.

The IAEA's nuclear security programme also continues to progress at a rapid pace. The Agency is helping member States to implement the new strengthened regime of nuclear security. Capacity-building activities in the past year have included nuclear security training courses, with participation by 88 States; the supply of detection and monitoring equipment; the procurement of physical protection equipment to improve the security of nuclear power plants and other installations; and assistance in protecting locations containing highly radioactive sources.

The Agency's Illicit Trafficking Database now has 93 States participating. Analysis of the database is providing insight into trends, risks and trafficking methods and routes. The number of incidents — more than a hundred per year for the past three years — demonstrates a persistent problem with trafficking, thefts, losses and other unauthorized activities involving nuclear or radioactive material. The number of incidents involving the detection of material at borders has increased substantially in recent years.

That is clearly due in part to the increased deployment by States of detection and monitoring equipment.

The nuclear non-proliferation and arms control regime continues to face a broad set of challenges. The number of States with safeguards agreements and additional protocols under the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) has steadily increased. We now have a total of 78 States with additional protocols in force. However, over a hundred States — including 25 with significant nuclear activities — have yet to bring additional protocols into force. And 36 non-nuclear-weapon States parties to the NPT have not yet fulfilled their legal obligation to bring into force safeguards agreements with the Agency. For the nuclear verification regime to be effective and credible, as I continue to state, we must have the necessary authority. I therefore urge all States to bring these instruments into force.

Since the end of December 2002, when IAEA verification activities were terminated at the request of the Democratic People's Republic of Korea, the Agency has been unable to draw any conclusions regarding that country's nuclear activities.

The nuclear test reportedly carried out earlier this month by the Democratic People's Republic of Korea is a matter of deep and serious concern. The breaking of a de facto global moratorium on nuclear explosive testing that had been in place for nearly a decade and the addition of a new State with nuclear-weapon capacity are clear setbacks to international commitments to move towards nuclear disarmament. The Security Council has made it clear that the Democratic People's Republic of Korea should abandon its nuclear weapons programme in a verifiable manner.

This event also re-emphasizes the urgent need to establish a legally binding universal ban on nuclear testing through the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty, and it underscores the importance of finding a negotiated solution to the current situation. The resumption of dialogue between all the parties concerned is indispensable and urgent.

The IAEA stands ready to work with the Democratic People's Republic of Korea — and with all others — towards a solution that addresses the need of the international community to ensure that all nuclear activities in the Democratic People's Republic of

Korea are exclusively for peaceful purposes, while addressing the country's security and other concerns.

The implementation of the NPT safeguards agreement in the Islamic Republic of Iran has been on the agenda of the IAEA Board of Governors for more than three years, and lately it has also been on the agenda of the Security Council. On 31 July 2006, the Council adopted resolution 1696 (2006), in which it called upon Iran to take the steps required by the Board in its resolution (GOV/2006/14) of 4 February 2006. Those steps in the Board's resolution, which spoke of the necessity for the IAEA to continue its work to clarify all outstanding issues relating to Iran's nuclear programme, included the re-establishment by Iran of full and sustained suspension of all its enrichment-related and reprocessing activities.

In my report of 31 August to the Board and to the Security Council regarding Iran's fulfilment of the requirements of that resolution, I stated that Iran had not suspended its enrichment-related activities, nor had I been able to make progress on resolving the outstanding issues, issues that require certain transparency measures on the part of Iran. The IAEA continues, therefore, to be unable at this stage to confirm the peaceful nature of Iran's nuclear programme, which obviously is a matter of serious concern.

In that context, I still hope that, ultimately, through dialogue between Iran and its European and other partners, conditions will be created making it possible to engage in long overdue negotiations to achieve a comprehensive settlement that will supplement IAEA verification efforts in addressing international concerns about the peaceful nature of Iran's nuclear programme while also addressing Iran's security and other concerns.

The increase in global energy demand is driving a potential expansion in the use of nuclear energy. And concern is mounting regarding the proliferation risks created by the further spread of sensitive nuclear technology, such as uranium enrichment and spent-fuel reprocessing. The convergence of those realities points to the need for the development of a new framework for the nuclear fuel cycle.

For the past two years, I have been calling for the development of a new, multilateral approach to the nuclear fuel cycle as a key measure to strengthen non-proliferation and cope with the expected expansion of

nuclear power use. Establishing a framework that is equitable and accessible to all users of nuclear energy, acting in accordance with agreed nuclear non-proliferation norms, will be a complex endeavour that needs to be addressed through progressive steps.

The first step, in my view, is to establish mechanisms for assurance of the supply of fuel for nuclear power reactors — and, as needed, assurance of supply for the acquisition of such reactors. The second is to limit future enrichment and reprocessing to multilateral operations and to convert existing enrichment and reprocessing facilities from national to multilateral operations.

A broad range of ideas, studies and proposals have been put forward on this topic. At the IAEA General Conference last month we organized a special event in which experts from all relevant fields discussed ways and means to move forward. A report on the special event was submitted to our General Conference, and the IAEA secretariat, in close consultation with member States, will continue to work on identifying options and alternatives to move this important concept forward.

Fifty years after the Atoms for Peace initiative, the time has come, in my view, to think of a new framework for the use of nuclear energy, a framework that accounts for both the lessons we have learned and the current reality. This new framework should include innovative nuclear technology that is inherently safe, proliferation-resistant and more economical; universal application of comprehensive safeguards and the additional protocol; concrete and rapid progress towards nuclear disarmament; a robust international security regime; and an effective and universal nuclear safety regime.

Wherever we turn in today's world, it is evident that the intertwined issues of security and development continue to be the most daunting challenges facing humanity. And it is becoming more evident that the International Atomic Energy Agency has an important role to play in both fields. Its staff and management continue to do their utmost to make the Agency effective and efficient in carrying out its mission. But in all its areas of activity the IAEA also remains dependent on the shared commitment and partnership of the United Nations. I look forward to continuing that partnership in the years to come.

I would like in closing to express my appreciation to Secretary-General Kofi Annan for the vision and leadership he has brought to the United Nations and its organs over the past 10 years. His support for the IAEA and its mission has been greatly appreciated, and I wish him well for the future.

Let me conclude by expressing my sincere appreciation to the Government of Austria, which continues, as always, to be a welcoming and gracious host to the IAEA.

Mr. Petrič (Slovenia): As Chairman of the Board of Governors of the International Atomic Energy Agency (IAEA), I wish first to thank the Agency's Director General, Mr. Mohamed ElBaradei, for the statement he has just made and for his work in leading the Agency and organizing its activities, as well as for his close cooperation with the Board of Governors.

The Director General has highlighted the major achievements and activities of the Agency over the past year and has called our attention to the problems the Agency is facing and dealing with. Together with the information contained in the Agency's annual report, the Director General's statement presents the scope and the results of its activities in the past year. As Chairman of the Board of Governors, I can only confirm that the Board has been, in close cooperation with the secretariat of the Agency, actively involved in streamlining the activities presented in the report.

On behalf of the Republic of Slovenia, and in my capacity as Chairman of the Board of Governors, I have the honour to introduce the draft resolution contained in document A/61/L.9 on the annual report of the International Atomic Energy Agency. So far the draft resolution is sponsored by the following countries: Albania, Algeria, Andorra, Argentina, Armenia, Australia, Austria, Bangladesh, Belarus, Belgium, Belize, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Finland, France, Gabon, Germany, Greece, Guatemala, Hungary, Iceland, India, Indonesia, Ireland, Italy, Japan, Kazakhstan, Kuwait, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Monaco, the Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Poland, Portugal, the Republic of Korea, Romania, the Russian Federation, Serbia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sweden,

Switzerland, Thailand, The former Yugoslav Republic of Macedonia, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay.

Sponsorship, of course, is still open.

The draft resolution expresses broad consensus among the Agency's member States, confirmed during the consultations in Vienna and also here in New York. During the consultations in Vienna there was also a general understanding that the current text would not be unravelled or renegotiated here in New York.

The draft resolution which I have the honour to introduce is a factual update of last year's resolution on the same matter, following the same streamlined approach of a short substantive draft as that adopted in the past several years. It again takes note of the statement of the Director General; recognizes the importance of the work of the Agency; recognizes the cooperation between the United Nations and the Agency; takes note of the report of the Agency; and takes note of the resolutions and decisions adopted by the General Conference of the Agency at its fiftieth regular session in September this year.

The draft resolution reaffirms strong support for the indispensable role of the Agency in encouraging and assisting the development and application of atomic energy for peaceful uses, in technology transfer to developing countries and in nuclear safety, verification and security.

Finally, again as in the past, the draft resolution appeals to Member States to continue to support the activities of the Agency.

I repeat that the draft resolution is a factual update of the resolution adopted last year. However, it introduces the necessary changes of dates and, of course, updates the list of resolutions and decisions adopted by the General Conference of the Agency this year. Moreover, two paragraphs specific to last year's resolution are deleted: the paragraph concerning approval of the appointment of Mr. Mohamed ElBaradei as Director General, and the paragraph welcoming the award of the Nobel Peace Prize for 2005 to the Agency and to Mr. ElBaradei.

I conclude by expressing my sincere hope that, as we approach the fiftieth anniversary of the Agency and its important work, the draft resolution will be adopted by consensus.

Ms. Schroderus-Fox (Finland): I have the honour to speak on behalf of the European Union. The acceding countries Bulgaria and Romania, the candidate countries Turkey, Croatia and the former Yugoslav Republic of Macedonia, the countries of the Stabilisation and Association Process and potential candidates Albania, Bosnia and Herzegovina, Montenegro, Serbia, EFTA countries Liechtenstein and Norway, members of the European Economic Area, as well as Ukraine and Moldova align themselves with this declaration.

Allow me first to thank Mr. Mohamed ElBaradei, Director General of the International Atomic Energy Agency (IAEA), for his statement on the report of the Agency's activities in 2005. The EU commends the secretariat of the IAEA and its Director General for the excellent work done by the Agency and for the important results achieved this year.

The EU member States welcome the outcome of the fiftieth IAEA General Conference, held in Vienna from 18 to 22 September 2006, and the resolutions and decisions adopted there.

The European Union member States are co-sponsoring the draft resolution on the report of the International Atomic Energy Agency, and fully support its content. The draft resolution, with over 70 sponsors, reflects broad agreement among the IAEA's member States. In this regard, we commend the efforts of the Chairman of the IAEA Board of Governors, and sincerely hope that the draft resolution will be adopted by consensus.

The Agency officially turns 50 in July 2007. We have good reason to celebrate this important milestone and give due recognition to the Agency for the remarkable achievements attained during its lifetime. Allow me to briefly highlight a few elements of the role of the IAEA within the global nuclear non-proliferation regime and its contribution to it, as illustrated by the report submitted to the General Assembly.

The three pillars of the IAEA Statute — verification, safety and technology — are all as valid today as they were 50 years ago. The EU is profoundly committed to them, given that they form the basis of the Agency's accomplishments. They have stood firm amid challenges, and we are convinced that by promoting their agendas at the international level we are effectively promoting world peace and security.

However, although all the pillars are important, some are facing more urgent pressure than others. This has been true in particular of the IAEA's verification activities in recent years.

The IAEA has an important role to play within the global nuclear non-proliferation regime. The European Union underlines the importance of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). The EU believes that the most important challenge to non-proliferation currently faced by the international community is non-compliance with the Treaty and the safeguards obligations stemming from it. The NPT stands as the cornerstone of international cooperation concerning the non-proliferation of nuclear weapons. We urge all States not yet party to it to join as non-nuclear-weapon States.

We still regret that the 2005 NPT Review Conference was not able to produce a consensus document. However, we should be able to leave that failure behind us and concentrate on the present and the future. The European Union looks forward to the first Preparatory Committee meeting in 2007, which will lead to the Review Conference in 2010. We are committed to contributing actively to the successful outcome of the review process, and hope that it produces tangible results in all three areas of the NPT.

International threats to nuclear safety are a major concern for all Member States. Expressing full support for the IAEA in its pursuit of nuclear security should be required of all States. We express our highest regard for the IAEA's indispensable work in this field. One concrete example of our commitment to that task is the fact that the European Union is the largest donor to the Nuclear Security Fund (NSF) this year. We call on all States to commit themselves to the financing of the Fund.

The IAEA remains the supreme actor for nuclear cooperation, and its impartial expertise is widely valued by all Agency member States. The role of the IAEA continues to be of pivotal importance in the global combat against nuclear terrorism and the spread of nuclear weapons.

The international safeguards system is a fundamental part of the global nuclear non-proliferation regime and the essential template for the pursuit of nuclear disarmament under article VI of the NPT. Safeguards are an essential tool for monitoring the progression of peaceful nuclear activities. The

European Union vigorously supports strengthening the effectiveness of the safeguards system, and stresses in this regard the importance of the fifth preambular paragraph of the NPT.

We reiterate that the comprehensive safeguards agreements, together with additional protocols, constitute the current IAEA verification standard. The European Union regrets that 105 States have yet to bring into force the additional protocols. It is of the utmost importance that the additional protocols, together with the comprehensive safeguards agreements, form the basis of action for all States.

The European Union reiterates its full support for the IAEA and is pleased to co-sponsor the draft resolution on its report.

Mr. Denot Medeiros (Brazil) (*spoke in Spanish*): I am speaking on behalf of the States members of MERCOSUR — Argentina, Brazil, Paraguay, Uruguay and Venezuela — and the associated States, Bolivia, Chile, Colombia, Ecuador and Peru.

I should like at the outset to thank the Director General of the International Atomic Energy Agency (IAEA) for his informative report, as well as for his leadership of the Agency, which, on behalf of the countries of our region, I congratulate on its forthcoming fiftieth anniversary.

Over the years, given the changing international context, the IAEA has become increasingly important and its action increasingly relevant. Its reports on nuclear activities give an account of the renewed interest in nuclear energy in various areas of the world. We therefore hope that this multilateral institution will be strengthened in terms of its capacity both to defend the inalienable right of countries to the development and peaceful use of nuclear energy and to undertake verification and safeguarding activities in support of the effective application of the obligations entered into under the Treaty on the Non-Proliferation of Nuclear Weapons (NPT).

In this regard, we welcome Malawi, Mozambique, Palau and Montenegro as new members of the Agency. We also welcome the agreements entered into during the past year with regard to various aspects of the IAEA.

Our countries share and keep alive the spirit that gave rise to the Agency. In that context, we reaffirm the right of countries to the development and peaceful

use of nuclear energy, without discrimination, in compliance with international commitments. We are convinced that nuclear energy has an essential role to play, not only in generating clean energy, but also in other peaceful applications relating to, inter alia, human health, agriculture, food and water desalinization.

We must reiterate that the peaceful use of nuclear energy demands a climate of mutual confidence and cooperation. We believe that all members of the international community have an obligation to continue to move determinedly towards the total elimination of nuclear weapons and the strengthening of the nuclear non-proliferation regime. Therefore, attention should be drawn to the efforts of the countries of our region in establishing a strengthened verification mechanism, which should be cost-effective and applied in a rational and non-automatic manner.

Likewise, our countries attach particular importance to the efforts and achievements of the International Atomic Energy Agency and member States in strengthening international cooperation in the area of nuclear and radiological security, including the transportation and management of waste. In particular, we emphasize the progress being made as a result of various activities intended to maintain and increase a culture of security.

Particularly noteworthy, among other matters, are actions with regard to information and communication networks for radiological and nuclear security, and actions intended to strengthen national regulatory infrastructures for the control of the sources of radioactive materials.

I again draw attention to the importance that all our countries attach to the Common System for Accounting and Control of Nuclear Materials (SCCC) established by Argentina and Brazil, which last July celebrated its fifteenth anniversary. No doubt Argentina will also remind us of that later in the debate.

Lastly, the MERCOSUR member States and associated States reaffirm their determination to continue to cooperate actively with the IAEA in order to strengthen its authority in its areas of competency, and also to find innovative and non-discriminatory solutions that are in compliance with the norms and principles of international law, with a view to contributing to the achievement of a safer and more stable world.

The Acting President (*spoke in Arabic*): I give the floor to the representative of Egypt to speak on a point of order.

Mr. Abdelaziz (Egypt): I sincerely apologize for interrupting, but I understood that there was a request from the delegation of Palestine, in its capacity as Chair of the Arab Group of States, to make a statement at the beginning of our debate today. At first I did not see Palestine on the list of speakers, and then I saw it inscribed at the very end of the list.

I would like to highlight the fact that the delegation of Palestine will be speaking not in its national capacity, but as Chairperson of the Arab Group. Therefore, it should be accorded its position as such, at the beginning of the list of speakers. To begin distinguishing between Member States and Observers when speaking as representatives of regional or political groups would be a serious precedent, which we would not like to follow or establish in the General Assembly.

I understand that some say that that is what has happened and is happening in the First Committee. What happened there concerned an explanation of vote. As the delegation of Palestine in its national capacity does not have the right to vote, it also does not have the right to explain its vote.

But here we are speaking of a procedural precedent. The delegation of Palestine is the Chairperson of the Arab Group and should be accorded its position among the Chairpersons of the regional groups. Otherwise, we can end the practice of having the Chairpersons of the regional groups speak at the beginning of each item.

Therefore, Mr. President, I seek your ruling on this particular issue: that the delegation of Palestine should be accorded the possibility to speak among the Chairpersons of the regional groups, as the Chairperson of the Arab Group, not as the delegation of Palestine.

The Acting President (*spoke in Arabic*): I think that all regional groups should make their statements, as is the practice, at the beginning of the debate. The Arab Group is entitled to express its views like any other regional group. Is it possible that the Chair of the Arab Group could speak following India?

Mr. Sayeed (India): The delegation of India thanks the Director General of the International Atomic

Energy Agency (IAEA), Mr. Mohamed ElBaradei, for presenting the report of the IAEA to the General Assembly.

The Agency's contribution was recognized through the award of the Nobel Peace Prize to Mr. ElBaradei and the IAEA in 2005. India believes that the tribute was both timely and well deserved. The IAEA is a unique organization in the United Nations system, founded on a strong science base. As a founder member of the Agency, India has consistently played an active role in its work for the promotion of peaceful uses of nuclear energy.

The demand for nuclear power is growing in step with growing global energy needs. The exigencies of economic development, the finite nature of fossil fuels, and concerns linked both to their prices and their impact on global climate change, add to the attractiveness of nuclear power. The immense energy potential of nuclear fuels, readily available and deployable technologies, and the safety and productivity record of nuclear power over the past 20 years are likely to help maintain an upward trend in the demand for nuclear energy. Indeed, nuclear power is now an inevitable and indispensable part of the solution to the world's growing needs for energy.

India believes that the Agency should continue to pay special attention to the promotion and development of nuclear energy, especially in areas of the world where developmental needs and aspirations remain pressing and unfulfilled. As the report of the IAEA notes, 2005 was a year of rising expectations of nuclear energy, which kept pace with the steady growth in the global electricity market. Nuclear power accounted for 16 per cent of world electricity production, with a net increase in capacity of 2300 megawatts in 2005.

The report also notes that of the 26 nuclear power plants under construction, 15 are located in Asia. In India, with the TAPS-4 achieving criticality on 6 March 2005, and TAPS-3 on 21 May 2006, there are 16 operating power plants, with 7 under construction. Further, the Government of India has recently approved pre-project activities on eight additional reactor units. With the completion of all those units, the total nuclear power generation capacity in India will reach around 14,000 megawatts. The emerging possibility for expanding civil nuclear cooperation between India and the international community will supplement our

domestic efforts to meet the developmental aspirations of our people through additional energy inputs.

India considers a closed nuclear fuel cycle of crucial importance for its well-established, three-stage nuclear power programme, with its long-term objective of tapping India's vast thorium resources. In the front end of the cycle, our programme is providing inputs to the indigenous pressurized heavy water reactor (PHWR) phase. In the back end of the fuel cycle, reprocessing of PHWR spent fuel has enabled India to successfully operate a fast breeder test reactor for two decades and to launch a commercial fast breeder programme. The technology of reprocessing irradiated thorium fuel has been developed, and the U-233 recovered so far has been utilized to fuel a small reactor. A comprehensive capability in the area of nuclear waste management has been achieved.

India's participation in the International Thermonuclear Experimental Reactor project is recognition of its advanced capabilities and its record of responsibility in the area of nuclear energy. India has been an active participant in the activities of the Agency under the International Project on Innovative Nuclear Reactors and Fuel Cycles (INPRO), and has applied the INPRO methodology to analysing nuclear systems for hydrogen generation and in the study of closed fuel cycles using fast reactors. India supports the Agency's work towards the development of small and medium-sized reactors for technology development for additional applications and for expanding nuclear power.

Indian experts have also contributed to the work of the International Nuclear Desalination Advisory Group. We have offered to share our experience and identify future areas of work in nuclear desalination. We are also bringing our national commitment and professional expertise to the IAEA activities in the areas of plasma physics and fusion research.

The ageing of the workforce in many areas of nuclear applications is a matter of serious concern for a number of States. India supports the efforts of the Agency to preserve and maintain nuclear knowledge through all databases, and in particular the International Nuclear Information System (INIS) database, which provides free access to students at 283 universities and has over a million authorized users. We take note of the support provided by the Agency to 75 students from 33 countries to attend the

first Summer Institute of the World Nuclear University. Given the long-term benefits, we encourage the Agency to continue its support for potential students from developing countries.

India has been supportive of the technical cooperation activities undertaken under the IAEA's aegis. This year India has pledged \$324,800 for the Technical Cooperation Fund for 2007. We have reinforced our financial contribution by providing technical experts,⁵ hosting meetings, symposiums and workshops and offering training facilities.

India maintains that the promotional role of the Agency is of direct, visible and measurable benefit to its member States. We commend the activities of the Agency in promoting the application of nuclear technology in the areas of food and agriculture, human health, water resources management, protection of the environment and industry.

India notes with appreciation the setting up of the IAEA Nobel Cancer and Nutrition Fund. At the 50th Session of the General Conference of the IAEA the Prime Minister of India announced India's offer of a recently developed cobalt-60 teletherapy machine — Bhabhatron — as our contribution to the IAEA's Programme of Action for Cancer Therapy (PACT).

The international community has recognized the need to protect and secure radiological materials because of the increasing global concern that terrorists could gain access to them. India therefore supports the efforts of the Agency to ensure safety and promote a global security culture, and attaches high priority to the issue. India has ratified the Convention on Nuclear Safety and actively participated in the amendment to the Convention on the Physical Protection of Nuclear Material. India has also participated in the regional radiological security initiative and has been conducting courses under the aegis of the IAEA in India on a regular basis. India successfully conducted, for the third consecutive year, the regional course on physical protection of nuclear installations.

If we are to be successful in realizing the benefits of atomic energy, we need to act in concert and adhere to our respective international commitments. The IAEA and the Director General deserve our compliments for ensuring that the Agency continues to be the global community's platform for addressing these issues in a spirit of harmony and consensus, in accordance with its Statute. In keeping with its commitment and its record

as a responsible State with advanced nuclear technology, India is prepared to supplement international efforts for the promotion of peaceful uses of nuclear energy.

The issue of assuring supplies of nuclear fuel in a manner that does not cause proliferation concerns has been attracting attention in recent times. Different countries and groups of countries have proposed various schemes in that regard. A special event, "New Framework for the Utilization of Nuclear Energy in the 21st Century: Assurances of Supply and Non-Proliferation", was organized alongside the recently concluded 50th IAEA General Conference, when those proposals and related issues were discussed. India made a presentation at the event, entitled "The Twin Challenges of Abundant Nuclear Energy Supply and Proliferation Risk Reduction — A View".

Indian capability in nuclear fuel cycle activities is well recognized. India believes that a closed fuel cycle is essential if nuclear power is to make sustained contributions on a large enough scale to meet global energy needs. India also believes that the reprocessing and recycling of nuclear fuel is essential, not only for that purpose, but also for the reduction of long-term radio-toxicity and the security implications of the disposal of spent fuel. Further, thorium offers an excellent matrix for the efficient burning of surplus plutonium, with a much greater degree of proliferation resistance and a very low minor actinide burden.

With its well-established high level of research and development capabilities and sizeable pool of highly qualified and trained manpower, India is prepared for, and has offered to supplement, international efforts for the sustainable growth of nuclear energy worldwide, while addressing proliferation concerns.

The prospect of the rapid depletion of global fossil fuel and the burden imposed by rising fuel prices, combined with concerns about global climate change, have brought out the vital importance of nuclear energy. India believes that it is possible and feasible to enhance the share of nuclear energy as a clean energy source of the future, while taking care of the imperatives of nuclear safety, security and non-proliferation. India stands willing to support the efforts of the international community and the International Atomic Energy Agency towards the further

development of nuclear energy to meet the growing energy needs of the world.

The Acting President (*spoke in Arabic*): As we have agreed, I now give the floor to the observer of Palestine, who will speak on behalf of the member States of the Group of Arab States.

Mr. Mansour (Palestine) (*spoke in Arabic*): On behalf of the members of the Group of Arab States, I extend our sincere appreciation to Mr. Mohamed ElBaradei for his important presentation today of the report of the International Atomic Energy Agency (IAEA) on its activities over the past year.

The Arab States appreciate the Agency's constructive role in strengthening international peace and security through its activities in the field of nuclear non-proliferation. We also recognize the Agency's important contribution to the attainment of international priorities in sustainable development, through its activities and achievements in the transfer of nuclear technology, know-how, technical cooperation, verification and nuclear safety.

Technical cooperation in the peaceful uses of nuclear energy is one of the Agency's principal activities, given its direct contribution to the achievement of peoples' development goals, especially in developing countries. The Arab States appreciate the Agency's work in developing and modernizing its technical cooperation strategy in order to serve the development priorities of its members and in identifying the vital and concrete short and medium-term activities and contributions that nuclear technology can make.

We reaffirm that funding for the Agency's work in the field of technical cooperation and technology transfer must increase continually, especially since those activities are the pillars of the Agency's work as laid down in its Statute.

In that regard, the Arab States reaffirm their support for, and encouragement of, the IAEA's strategy to focus on projects that provide tangible economic returns. We welcome the practical steps taken by the Agency towards the early holding of consultations with Member States with regard to the details of the projects that countries would like to propose. We also welcome its preparation of a framework of action for every State that incorporates projects for future cooperation in the

service of national sustainable development programmes.

With regard to verification and safeguards, the IAEA undoubtedly plays a primary role in completing the conceptual framework for integrated safeguards. However, that framework will not be effective without achieving universality of its components, at the forefront of which is the universality of the comprehensive safeguards. Moreover, the ongoing shortcomings in achieving the universality of the Agency's comprehensive safeguards will jeopardize our intensive efforts to eliminate the dangers of nuclear proliferation. The Agency must therefore seek to ensure the universal character of the comprehensive safeguards as the main pillar of the nuclear non-proliferation regime. It must also work to bring every country, without exception, under the safeguards regime.

The Arab States have undertaken many initiatives at the regional and international levels to address the dangers resulting from nuclear proliferation. Since 1974, Arab countries have called for the establishment of a nuclear-weapon-free zone in the Middle East. That call has been the subject of an annual resolution that the General Assembly has adopted by consensus since 1980. In addition, through the IAEA, Arab countries continue to call for the implementation of the IAEA's comprehensive safeguards regime at all nuclear installations in the Middle East, without exception.

It is regrettable that, despite all those initiatives to guarantee security and stability in the region, Israel has not demonstrated any serious engagement in addressing the issue of nuclear proliferation in the Middle East. Israel continues to refuse to place all its nuclear facilities under the comprehensive safeguards regime, a refusal that negatively impacts all efforts aimed at dealing with the non-proliferation of nuclear weapons in general, and in the Middle East in particular.

That situation places a dual responsibility on the international community, namely, to eliminate all dangers to international peace and security posed by nuclear proliferation and to seek to implement the Agency's nuclear safeguards in the Middle East. In that regard, Arab States call for support for the IAEA Director General's fulfilment of the mandate given to him by the Agency's General Conference in order to implement the safeguards regime in the Middle East.

The Arab States would like to emphasize that they attach the utmost importance to including on the agenda of the fifty-first General Conference of the IAEA, and future Conferences, an item on the threat posed by Israel's nuclear capabilities.

The first step towards building confidence and establishing comprehensive peace in our region is to give up the nuclear option and declare the region a zone free of all weapons of mass destruction, while placing all the region's nuclear installations under the comprehensive IAEA safeguards regime. That is especially necessary given the ongoing threat posed by activities outside the scope of the IAEA safeguards. I refer in particular to possible environmental disasters resulting from lax safety procedures or the careless disposal of nuclear wastes, as described in numerous reports of the United Nations and other international bodies.

With regard to nuclear security, it is worth noting that there is an urgent need to support and strengthen the activities and programmes of the Agency aimed at protecting nuclear materials and installations, and other radioactive materials, from the threat of nuclear terrorism. There is also a need for the Agency to take advantage of the International Convention for the Suppression of Acts of Nuclear Terrorism, signed by over a hundred States to date, in order to bring under control nuclear materials that are currently subject to no international supervision or monitoring and avert the risk or threat of their falling into the hands of terrorists.

In the light of the foregoing, we reaffirm our position as regards the production of fissile materials. That position is based on the need to place all nuclear materials, including nuclear stockpiles, under international supervision. We also emphasize the need to conclude an international agreement on this issue as soon as possible.

In conclusion, I would like to express the appreciation of the Arab States for the intensive and effective efforts made in Vienna to prepare the draft resolution, and to reaffirm our continued support for the role and work of the IAEA to fulfil humankind's various needs in the field of nuclear energy, thereby bringing about a more secure and prosperous future for all peoples of the Middle East and the world.

Mr. Cheng Jingye (China) (*spoke in Chinese*): The Chinese delegation would like to thank

Mr. ElBaradei, Director General of the International Atomic Energy Agency (IAEA), for his detailed report on the work of the Agency in the past year.

This year marks the fiftieth anniversary of the Agency. Over the past half century, it has had remarkable achievements in promoting the peaceful uses of nuclear energy and preventing the proliferation of nuclear weapons. Those successes have been widely welcomed in the international community. China hopes that, with the support of all member States, the Agency will play a more active role in the areas I have mentioned.

Promoting the peaceful uses of nuclear energy is one of the two main functions of the Agency, which in recent years has done a great deal to strengthen technical cooperation. It has taken a series of steps to improve the effectiveness and efficiency of that cooperation, and has achieved remarkable results. However, we should not lose sight of the fact that there continue to be challenges in this area. In its work the Agency continues to give priority to safeguards over technical cooperation, where the problem of lack of financial resources has yet to be resolved. We hope that the Agency will continue to urge all its member States to pay more attention to technical cooperation and ensure its smooth implementation.

During the past year China has actively supported and participated in technical cooperation projects, carrying out 18 national and 63 regional and interregional projects, covering nuclear electric power generation, nuclear physics, nuclear chemistry, nuclear engineering technology, and so on. As always, China will further enhance its cooperation with the Agency and all member States in the area of the peaceful use of the nuclear energy.

With regard to nuclear non-proliferation, China consistently opposes any form of nuclear-weapon proliferation. We support the Agency's unremitting efforts to enhance the effectiveness and efficiency of its safeguards system. It is our hope that the Agency will further promote the universality and effectiveness of the additional protocol.

China has always supported the Agency in its efforts to enhance nuclear security and safety. On 29 April 2006, the Standing Committee of the National People's Congress of China ratified the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management.

During the meeting of the Agency's Board of Governors in September, China officially submitted to the Director General its instrument of accession to the Joint Convention. China has also decided to join the IAEA's Illicit Trafficking Database, in order to tighten control of illicit trafficking in nuclear and other radioactive materials and to promote the exchange of information on the matter among member States.

China appreciates the Agency's long-standing objective and appropriate role in resolving important nuclear issues, and supports it in continuing its remarkable work. I would like to take this opportunity to briefly set out China's position as regards the question of the Korean peninsula nuclear issue and the Iranian nuclear issue.

With regard to the former, China has always been committed to maintaining peace and stability on the Korean peninsula and in the North-east Asia region, and to bringing about the denuclearization of the Korean peninsula. We have always advocated resolving the Korean peninsula nuclear issue peacefully, through dialogue and negotiation. China firmly opposes the nuclear test conducted by the Democratic People's Republic of Korea and the proliferation of nuclear weapons.

In the current circumstances, it is our hope that all parties concerned will act to safeguard the stability of the Korean peninsula and North-east Asia, continue to pursue the denuclearization of the peninsula and adhere to the goal of a peaceful resolution through dialogue and negotiation. China calls upon all the parties concerned to remain calm and exercise restraint, adopt cautious and responsible attitudes and make joint efforts to prevent a further deterioration of the situation.

China believes that the Six-Party Talks are still the most realistic and feasible means to resolve the Korean peninsula nuclear issue. China is willing to maintain close contact with all parties concerned, promote the Six-Party Talks and play a constructive role in realizing the denuclearization of the Korean peninsula and maintaining peace and stability on the peninsula and in North-east Asia.

With regard to the Iran nuclear issue, China — as it has throughout — supports preserving the international nuclear non-proliferation regime, opposes the proliferation of nuclear weapons, advocates a peaceful resolution of the Iran nuclear issue through

diplomatic negotiations, and endorses the Agency's active role in that regard.

A peaceful solution through diplomatic negotiations is still the best option, in the common interests of the international community. We hope that the Iranian side will respond to the appeal of the international community by adopting a constructive attitude and creating conditions for the resumption of dialogue. We also hope that the other parties concerned will remain calm and restrained, continue to seek a peaceful resolution and make full use of creative thinking, so as to find effective ways to achieve appropriate solutions to the Iran nuclear issue, rather than taking measures that may complicate the current situation.

China has actively promoted dialogue and will, with the other parties concerned, continue to play a constructive role in the peaceful resolution of the Iran nuclear issue through diplomatic negotiations.

Mr. Amil (Pakistan): I join other speakers in thanking Mr. ElBaradei for presenting the annual report of the International Atomic Energy Agency (IAEA). We are confident that the IAEA, under his dynamic leadership, will continue its laudable work to promote, in particular, the peaceful uses of nuclear technology. We assure Mr. ElBaradei and his team of our full support.

We share the Agency's assessment that the global need for energy is growing as a result of rising oil and natural gas prices. We also agree with the Agency's identification of other future trends: environmental constraints on the use of fossil fuels; concerns about the security of energy supplies; and expansion plans for nuclear power. The role of nuclear energy will therefore be crucial, especially in meeting the socio-economic development needs of the developing countries.

We continue to note with interest that of the 26 nuclear power plants under construction worldwide, the majority — 15 — are located in Asia. The pace of their construction could be further increased if States were not subjected to undue restrictions. We hope that the Agency will formulate a comprehensive policy to that end.

As one of the IAEA's earliest member States, Pakistan has long been a strong advocate of promoting and harnessing nuclear technology for peace, progress

and prosperity for all. For its part, Pakistan has established several training centres, including a full-fledged university for nuclear science and engineering, meeting both our own need for technical manpower and the training requirements of other countries, including through the Agency's Technical Cooperation Programme.

Pakistan has developed the entire range of nuclear fuel cycle facilities. We now have two nuclear power plants in operation, and a third is under construction. In parallel with the development of the nuclear fuel cycle, an extensive programme for the application of nuclear technology and radioisotopes in agriculture, hydrology and the medical and industrial sectors is also under way.

In agriculture, Pakistan has established in various parts of the country four nuclear agricultural research centres, which are engaged in research work to help farmers grow and harvest more and better-quality crops. The Pakistan Atomic Energy Commission's agricultural research institutes, utilizing nuclear techniques, have been able to evolve 57 crop varieties characterized by their higher yield and their resistance to various pests and diseases. Similarly, the indigenous development of bio-fertilizers offers cost-effective solutions with regard to various crops affected by chemical fertilizers. Plans are under way to establish five commercial food irradiators in various cities. These irradiation facilities will enhance the export of food commodities, especially fruits and vegetables.

In the area of medical science, Pakistan has 13 nuclear medicine and oncology centres, providing diagnostic and treatment facilities to several hundred thousand patients each year. About 70 per cent of those patients are provided with free treatment. Six more nuclear medical centres are being built.

We attach the highest importance to the Technical Cooperation Programme of the IAEA. We have benefited from it and contributed to it in the form of training, the provision of experts and the hosting of seminars and workshops. We are pleased to note that the overall implementation rate of the IAEA's technical cooperation activities in Pakistan during 2004 achieved a record high of 75.8 per cent. We look forward to further strengthening and expansion.

In recent years, Pakistan's economy has registered a remarkable growth rate. As a country with more than 150 million people, Pakistan considers

nuclear power generation to be an indispensable element of its national energy security strategy. The Government of Pakistan has therefore launched a 25-year Energy Security Plan to respond to that high growth rate and to cater for the rising demand for energy.

The Plan envisages an increase of nuclear electricity generation from the present 425 megawatts to 8,800 megawatts by 2030, representing an increase in the share of nuclear energy from the present 0.8 per cent to only 4.2 per cent. By 2030, our per capita consumption of electricity is expected to rise to only 3,920 kilowatt-hours per year, as compared with the present 13,800 kilowatt-hours per year in the developed world.

Our limited fossil fuel resources, coupled with a growing population and an expanding economy, on the one hand, and a projected rise in the share of energy produced from burning coal alone from the current 6.5 per cent to 19 per cent in 2030, on the other, present the great challenge of balancing industrial pollution and sustained economic growth.

For over 30 years Pakistan has enjoyed an excellent operational and safety record at its two nuclear power plants, the Karachi Nuclear Power Plant (KANUPP) and the Chashma Nuclear Power Plant (CHASNUPP). The existence of a reliable infrastructure relevant to those nuclear power plants has enabled us to commence work on another nuclear power station, CHASNUPP II.

As we seek to operationalize our Energy Security Plan, we envisage the import of nuclear plants and other relevant civilian nuclear technology. We hope that the international community will adopt a non-discriminatory and criteria-based approach in extending civil nuclear technology and cooperation to developing countries.

We accord the highest level of importance to the safety and security of our nuclear installations, particularly as we expand our nuclear power generation capacity for economic development. Pakistan has successfully established a strong safety culture in its nuclear activities. We are diligently adhering to the principles of the Convention on Nuclear Safety. We have further strengthened security measures around our nuclear installations to avoid any possibility of sabotage or the illicit acquisition or trafficking of nuclear material. Pakistan has subjected itself to review

by its peers at all three meetings of the contracting parties held since the inception of the Convention.

Pakistan has also been participating in the Agency's advisory and expert groups, such as the Standing Advisory Group on Technical Assistance and Cooperation, the International Project on Innovative Nuclear Reactors and Fuel Cycles and the International Nuclear Desalination Advisory Group. We value the Agency's efforts in coordinating and disseminating information on the latest developments in nuclear power technology. We suggest further strengthening of the Agency's programme on nuclear knowledge management and information services.

The safety and verification aspects of the IAEA's mandate remain important pillars of that mandate. As regards the strengthening of the Agency's safeguards system, Pakistan stresses the need for an approach balancing the promotional aspects and safety- or security-related concerns in all of the Agency's functions.

In the broader context of the Agency's work, we attach great importance to the proposal to expand the Board of Governors and make it more representative. We urge member States to consider that issue with an open mind and take early action.

We share the view that all States should fully comply with their respective safeguards obligations. At the same time, the Agency's safeguards should not be used to serve partisan political objectives. Its verification regime can remain credible only if it is applied on a non-discriminatory basis, as stipulated in the Agency's Statute. Cooperation and greater understanding are required of all member States of the Agency to advance its mandate on the basis of impartiality, equity and professionalism. Efforts are also required to correct the public perception of the IAEA as being only a nuclear watchdog agency. Its primary role in the promotion of peaceful uses of nuclear science and technology needs to be re-emphasized.

Recent developments have revealed that the old consensus on disarmament and non-proliferation has broken down. Pakistan has proposed the convening of a special conference to evolve a new consensus that responds to the current and emerging realities. Such a conference could help promote universal nuclear disarmament under verified international controls. This new consensus should eliminate the discrimination and

double standards that characterize the present non-proliferation arrangements. It should also evolve an agreed basis for the promotion of the peaceful uses of nuclear energy under the appropriate international safeguards, in accordance with the international obligations of States and on a non-discriminatory basis. Above all, as Mr. ElBaradei advocated, ways and means must be found to normalize the relationship between the regime of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and the non-NPT nuclear-weapon States.

Mr. Malmierca Díaz (Cuba) (*spoke in Spanish*): This year we have begun to celebrate the fiftieth anniversary of the International Atomic Energy Agency (IAEA), which will be commemorated in 2007. This is an opportune time to highlight the important role that the Agency has played for half a century in the promotion of peace and development. We believe that last year's recognition of the work of the IAEA, through the award of the Nobel Peace Prize to the Agency and its Director General, Mr. Mohamed ElBaradei, is well deserved.

The 2005 annual report of the IAEA highlights the increase of expectations for the use of nuclear-electric energy in different parts of the world. We endorse actions, including the promotion and dissemination of public information, aimed at guaranteeing that such energy will play a key role in the world's energy development in the near future. Moreover, the renewed interest in the nuclear option to produce energy is closely related to the issue of guaranteed nuclear fuel supplies, which should in no circumstances become the monopoly of a few.

Cuba considers the guarantee of an adequate balance among the Agency's diverse activities under its Statute, particularly between verification and technical cooperation, to be a key objective. The attempts of some States to give increasing weight to the IAEA's verification role, to the detriment of its promotional function in nuclear technologies, are unacceptable.

We note with concern the negative image of nuclear watchdog that many mass media have given to the Agency, which actually distorts its mandate in verification and safeguards matters. That distortion ensures that the community lacks adequate information and may even be unaware of the IAEA's important technical cooperation efforts to promote the peaceful applications of nuclear energy.

Cuba accords special interest to nuclear technologies and their applications in areas of great importance to social and economic life, such as health, agriculture and food, industry, hydrology and environmental protection. That is why our Government is overseeing an important revitalization of those applications, as evidenced in its significant investment in diagnostic and therapeutic equipment installed in hospitals throughout our country. We attach great importance to and reaffirm our support for the IAEA Programme for Action for Cancer Therapy, one of the Agency's most noble projects. We also reiterate the need to endow the Programme with the financial resources necessary for its implementation.

Cuba, a founding country of the IAEA and an active member for more than three decades, accords very high priority to its technical cooperation, as evidenced in our timely fulfilment of our financial commitments to the Technical Cooperation Fund and the payment of 100 per cent of our national participation expenditure; the execution of 87 per cent of our national projects, a rate much higher than the average; and our contribution over the past 10 years of more than 300 Cuban experts to technical missions overseas.

We have achieved all that despite the tight economic, commercial and financial blockade imposed by the Government of the United States against Cuba, which entails considerable difficulties in the purchase of equipment and reagents and hinders the participation of our scientists in IAEA forums held in this country, to mention but two examples.

Cuba attaches particular importance to cooperation among developing countries. In that regard, we reiterate our support for the Regional Cooperative Agreement for the Promotion of Nuclear Science and Technology in Latin America and the Caribbean as a key mechanism to promote cooperation in the peaceful uses of atomic energy among the Latin American and Caribbean countries.

Despite the proclaimed end of the cold war, there are currently some 32,000 nuclear weapons in the world, 12,300 of which are ready for immediate use. Programmes to upgrade nuclear weapons have not stopped. The only secure and effective way to avoid the proliferation of weapons of mass destruction is their total elimination. The mere existence of nuclear weapons and the doctrines that prescribe their

possession and use are a threat to international peace and security. Cuba therefore reaffirms the historic position of the Non-Aligned Movement, reiterated at its successful summit in Havana in September, that nuclear disarmament is and should continue to be the highest priority in the field of disarmament.

We reject the attempts of some to prejudge whether the nuclear programmes of certain countries are peaceful or not, in disregard of the IAEA's criteria. The IAEA is the only authority competent to verify the fulfilment of obligations entered into under the respective safeguards agreements of its member States. No State, no matter how powerful, has the right to arrogate that mandate unto itself.

We declare our firm support for respect for the inalienable rights of States to the peaceful uses of nuclear energy without discrimination, so long as those rights are exercised in accordance with the safeguards obligations.

I would like to conclude by reaffirming that Cuba has fulfilled and will rigorously fulfil its commitments under the Treaty on the Non-Proliferation of Nuclear Weapons, the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean, the Comprehensive Safeguards Agreement and the Additional Protocol. We will spare no effort in joining forces towards the achievement of the IAEA's objectives. Cuba will continue to support the peaceful uses of nuclear energy in a secure manner and to contribute to the achievement of international peace and international disarmament.

Mr. Oh Joon (Republic of Korea): My delegation thanks Mr. ElBaradei, Director General of the International Atomic Energy Agency (IAEA), for his comprehensive report on the Agency's activities. In addition, we commend the Director General and his staff for their dedication to fulfilling their responsibilities with integrity and professionalism.

Over the past five decades, the IAEA has stood firm as the central body dedicated to promoting the safe and peaceful uses of nuclear energy, as well as to stemming the spread of nuclear weapons. The bestowal of the 2005 Nobel Peace Prize on the IAEA and its Director General was a well-deserved recognition of the Agency's significant contributions to international peace, security and development.

The Republic of Korea has been a strong supporter of the Agency's work and is committed to maintaining full cooperation in all areas of the Agency's activity. As we reflect on our long-standing partnership with the Agency in this semi-centennial anniversary year, allow me to highlight a few areas that we deem particularly important to the future development of the IAEA.

First, we believe that universal adherence to the Additional Protocol to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) is an essential measure for improving the current safeguards and verification regime. We are disappointed that, as of today, only 78 countries are participating in the Additional Protocol. We believe that all States should sign, ratify and fully implement the Additional Protocol as soon as possible.

Secondly, we support current endeavours to develop a new framework for the utilization of nuclear energy with the aim of providing reliable access to nuclear fuel and technologies while controlling sensitive nuclear activities. As a country that relies heavily on nuclear energy, with 20 nuclear power plants in operation, the Republic of Korea will actively participate in the relevant discussions on that issue.

Thirdly, my Government supports the work of the IAEA Advisory Committee on Safeguards and Verification. Given that one year has already passed since its establishment, it is high time for the Committee to fulfil its mandate by recommending to the IAEA Board an initial set of measures to strengthen the safeguards system.

Fourthly, the Republic of Korea will continue to lend strong support to the IAEA's efforts to promote the peaceful uses of nuclear energy and to nurture a culture of nuclear safety and security, as a means of ensuring the sustainable use of nuclear power to meet States' development needs.

The nuclear test conducted by the Democratic People's Republic of Korea on 9 October 2006 poses a grave threat not only to the peace and security of the Korean peninsula and North-east Asia, but also to the global non-proliferation regime. The Democratic People's Republic of Korea's behaviour is in outright defiance of the Joint Declaration on the Denuclearization of the Korean Peninsula, the 19 September 2005 Joint Statement agreed at the Six-Party Talks, Security Council resolution 1695

(2006) and the Statement (S/PRST/2006/41) by the President of the Council on 6 October.

In response to such a reckless act by North Korea, on 14 October the Security Council unanimously adopted resolution 1718 (2006), which stated that the Democratic People's Republic of Korea had an obligation to abandon all its nuclear weapons and existing nuclear programmes, as well as to act strictly in accordance with the obligations applicable to parties under the Treaty on the Non-Proliferation of Nuclear Weapons and the terms and conditions of its IAEA Safeguards Agreement. My Government strongly welcomes and supports the Council's stern and swift decision, and requests the IAEA to do everything in its capacity to fulfil the mandate reinforced by the Security Council.

My Government has made it clear in the strongest terms that this provocative act by North Korea will not be condoned, and that North Korea's possession of nuclear weapons should not be tolerated. In this regard, we urge the Democratic People's Republic of Korea to comply fully with the requirements of resolution 1718 (2006) by abandoning all nuclear weapons and existing nuclear programmes and returning to the Six-Party Talks immediately, without preconditions. To this end, my Government will work closely with all parties concerned for the faithful implementation of the resolution, while keeping the window of a diplomatic solution open.

We note the Director General's statement that the IAEA will work towards a solution that addresses the concerns of the international community on the nature of the nuclear activities in the Democratic People's Republic of Korea. We fully support this statement and believe in the Agency's critical role in upholding the nuclear security and safeguards system.

Mr. Al-Jarallah (Kuwait) (*spoke in Arabic*): The General Assembly examines today one of the most important items on its agenda, in view of its close link to the principles on which the United Nations was established, namely, the maintenance of international peace and security.

First, I pay tribute to the Director General of the International Atomic Energy Agency (IAEA), Mr. Mohamed ElBaradei, for his presentation of the Agency's report. We also align ourselves with the statement made by the observer of Palestine on behalf of the Group of Arab States.

The State of Kuwait, having reviewed the annual report, would like to express its appreciation to the Director General and the IAEA staff for their tireless efforts to fulfil the goals and aspirations of all peoples and countries of the world, through the promotion of the principles of peaceful use of atomic energy for the benefit of all mankind.

The Technical Cooperation Programme is one of the important pillars of the IAEA in building the national capacities of developing countries and ensuring the transfer of nuclear technology for peaceful uses by them. The State of Kuwait, since its accession to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) on 15 August 1968, focuses in its cooperation programme with the IAEA's Department of Technical Cooperation on the execution of a number of projects that relate to building national capacity and special laboratories to measure the levels of radioactive isotopes in the marine and terrestrial territory of Kuwait.

In view of our belief in the importance of training national personnel in preventing nuclear radiation and in the safe handling of radioactive material, my country has hosted over the past three years a number of regional workshops in cooperation with the IAEA. We continue to send our trainees to participate in the seminars and workshops organized at IAEA headquarters.

The IAEA cannot play its pivotal and critical role in preventing the use of nuclear power for military purposes, and in its exploitation for peaceful purposes, without the concerted efforts of all States. We note with deep regret that the IAEA's call to some advanced nuclear-weapon States to accede to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and its comprehensive safeguards regime has not been answered, a matter that will impact negatively on international peace and security.

In this regard, the Middle East will not attain its objectives of security and stability so long as Israel remains the only regional Power that continues to resist subjecting its nuclear installations to the IAEA safeguards regime. This is a major obstacle to achieving the universality of the NPT and greatly undermines the non-proliferation system. This anomaly might give other States a reason to acquire nuclear weapons, or manufacture them, because of leniency towards, and disregard of, the activities of countries

that refuse to place their nuclear installations under the safeguards regime.

Israel's intransigence with regard to cooperating with the IAEA is likely to exacerbate instability and tension in the Middle East and will impede the implementation of calls to make the Middle East, including the Gulf region, free of weapons of mass destruction. In this regard, the State of Kuwait demands that the item relating to the Israeli nuclear capabilities and threats be on the agenda of the fifty-first General Conference of the IAEA.

In addition, the State of Kuwait urges the friendly Islamic Republic of Iran to continue to cooperate and coordinate with the IAEA and the international community in order to dispel concerns and misgivings about the nature and purposes of its nuclear programme, and to affirm peace and security in the region. Diplomacy should be given a full chance to ensure a peaceful resolution that will steer the entire region away from more crises. This can be achieved by all the parties concerned through flexibility, wisdom and responsibility.

In closing, I wish to express my country's hope that the international community will continue to support the IAEA in its work in order to ensure the full, not selective, application of all treaties relating to disarmament, including the NPT, with its three main pillars: nuclear disarmament, non-proliferation and the peaceful use of atomic energy.

Mr. Vasiliev (Russian Federation) (*spoke in Russian*): We are glad to welcome the Director General of the International Atomic Energy Agency (IAEA), Mr. Mohamed ElBaradei, and thank him for presenting the Agency's annual report.

As an active member of the IAEA, Russia is satisfied with the highly professional work of the Agency, and recognizes its important and growing role in strengthening the international nuclear weapons non-proliferation regime and ensuring the level of confidence required for cooperation in the peaceful and safe development of atomic energy. The IAEA is a unique international institution, possessing the authority to assess the compliance of States with their obligations in the field of nuclear non-proliferation within the Nuclear Non-Proliferation Treaty (NPT) framework. We support further improvement of the Agency's verification mechanism and development of its control activities.

Special attention must be paid to universalization of the additional protocol to the comprehensive safeguards agreement as an essential instrument for increasing the efficiency of the IAEA safeguards activities to verify compliance of States with their obligations under the NPT.

This year, during its Group of Eight (G-8) presidency, Russia has made considerable efforts in its work with other States on a bilateral basis and in other formats to expand the application of the geography of the additional protocol. The G-8 has appealed to a number of countries that have not yet done so to sign and ratify the additional protocol.

Russia has provided, and will continue providing, assistance in strengthening the system of IAEA safeguards, by, *inter alia*, financing the national programme of scientific and technical support for the safeguards activities of the Agency. The promotion of efficient international efforts in the field of non-proliferation is especially relevant and is dictated by the threat of weapons of mass destruction (WMD) falling into the hands of terrorists. The atrocity of terrorist acts perpetrated in Russia and elsewhere underscores the need to ensure secure guarantees in order to prevent the access of terrorists to such weapons, first by consolidating joint efforts to establish a global system for countering new challenges and threats, in particular in the nuclear sphere.

We once again draw attention to the Global Initiative to Combat Nuclear Terrorism, recently announced by the Presidents of Russia and the United States. This initiative, which offers an opportunity for joint action by all countries concerned on the basis of national efforts, calls for the launch of concrete cooperation, primarily to implement the International Convention for the Suppression of Acts of Nuclear Terrorism, in whose drafting in 2005 Russia played a leading role.

This year the IAEA has focused on the development of conditions to promote compliance with non-proliferation norms. In the nuclear field, it envisages the elaboration of practical measures to ensure access to the benefits of the peaceful use of nuclear energy for countries that faithfully honour their obligations. This goal is pursued through the initiative of the President of Russia, Mr. Putin, to develop a global nuclear energy infrastructure envisaging the

establishment of international centres for the provision of nuclear fuel cycle services.

As a first step, Russia is willing to conduct a joint project on an international uranium enrichment centre, under IAEA safeguards, on the basis of one of its enrichment plants. This is in line with Russia's efforts to develop peaceful nuclear energy and the concept of energy as a support for the sustainable development of mankind put forward by our President at the Millennium Summit in New York. The initiative supports the IAEA's efforts in its multilateral approaches to the nuclear fuel cycle, and aims at establishing an international regime of guaranteed supplies of nuclear fuel.

The implementation of these proposals will allow us to work out all the elements for the establishment and operation of international centres to provide nuclear fuel cycle services and promote international cooperation in nuclear safety, including training and certification of nuclear power plant operators. It will also create a political and economic environment that discourages non-nuclear States from any attempt to acquire WMD-proliferation-sensitive nuclear technologies.

The IAEA plays an important role in the development of innovative nuclear technologies in support of the International Project on Innovative Nuclear Reactors and Fuel Cycles (INPRO), which was implemented within the framework of the Russian President's initiative on energy support for the sustainable development of mankind. It provides a pivotal solution to the problems of non-proliferation of nuclear weapons and environmental recovery of the earth.

We highly appreciate the progress in strengthening nuclear safety achieved over recent years. With active IAEA participation, we have achieved great success in increasing the safety of nuclear power plant operation and handling of radioactive materials, waste and sources. We support the IAEA activities in technical cooperation with, and assistance to, developing countries.

Let me also touch on a number of prominent aspects of IAEA activities. We understand that the Democratic People's Republic of Korea will fully comply with the requirements contained in Security Council resolution 1718 (2006), and, in particular, will return to NPT and IAEA safeguards. At the same time,

we look forward to the resumption of the Six-Party Talks process, with its final goal of the denuclearization of the Korean peninsula. We call for a balanced solution to this issue ensuring the legitimate interests of all parties to the negotiating process.

The IAEA potential is also far from being exhausted in resolving the Iranian nuclear problem through political and diplomatic means. We need to work out solutions that would, on the one hand, remove all doubts about the peaceful nature of Iran's nuclear activities and, on the other, ensure the legitimate energy needs of that country. Russia will continue to provide its assistance in resolving this issue.

In conclusion, I reiterate our support for the draft resolution on the IAEA report. As a sponsor, Russia fully appreciates the importance of the work conducted by the Agency, and is certain that this work will be continued in the interest of strengthening international security and development.

Mr. De Figueiredo (Angola): I join in congratulating the President and her team on her election to preside over the General Assembly at its sixty-first session. With her wide experience and diplomatic skills, she will no doubt steer this session to a successful conclusion. I assure her of my country's full support.

I also convey my Government's congratulations to the International Atomic Energy Agency (IAEA) and its Director General, Mr. Mohamed ElBaradei, on winning the 2005 Nobel Peace Prize. Such an award is indeed a great recognition of their work and efforts to ensure the peaceful and safe use of nuclear energy.

In addition, the Government of the Republic of Angola greatly appreciates the Agency's decision that its share of the prize shall be used to create a special fund to support fellowships and training to improve cancer control, and to support the use of stable isotope techniques in childhood nutritional studies in developing countries.

We have carefully reviewed the Agency's annual report for 2005 and would like to express our appreciation for the activities carried out during the past year under the three pillars of its mandate: technology, safety and verification.

The Angolan Government appreciates the Agency's endeavours in the development of nuclear

applications and technologies, to the benefit of the developing countries, and strongly supports the strengthening of technical cooperation activities, in particular those related to the transfer of nuclear science and technology.

My Government attaches paramount importance to the Agency's Technical Cooperation Programme, as it is an effective contribution to the transfer of nuclear science and technology to member States for building, strengthening and maintaining their capabilities for the use of such science and technology in a safe, secure and sustainable manner, thereby contributing to socio-economic development. However, this objective can only be reached with the availability of adequate human and financial resources. Accordingly, the resources of the Technical Cooperation Fund should be at a sufficient level, predictable and capable of assuring implementation of the Programme.

We express our appreciation to the Agency for its activities in areas such as agriculture and food, human health, human resources management, water resources management, the environment, knowledge management, the sterile insect technique, nuclear security, and so forth, as well as for its establishing partnerships with other international organizations, as well as with national and regional institutions.

As members are well aware, the tsetse fly and the trypanosomiasis disease which it transmits are a major transboundary problem in Africa and one of the greatest constraints on the continent's socio-economic development, affecting the health of humans and livestock, limiting land use and causing increased poverty. This disease claims tens of thousands of human lives and millions of livestock every year, and threatens over 60 million people in 37 countries, most of which are Agency members. In this regard, the Republic of Angola supports the Agency's activities aimed at the eradication of the tsetse fly through the use of the sterile insect technique, and encourages continued support for African member States in their efforts to build national capabilities and further develop the techniques for applying the technique in creating tsetse-free zones. In the same vein, my country notes with great appreciation the Agency's support for the African Union's Pan African Tse Tse and Trypanosomiasis Eradication Campaign (AU-PATTEC), its contribution to the implementation of the AU-PATTEC Plan of Action in some countries of the continent — namely, Botswana, Burkina Faso,

Ethiopia, Kenya, Mali, Senegal, South Africa, Uganda and the United Republic of Tanzania — and the contributions of some member States and United Nations specialized agencies in support of these efforts.

With regard to malaria, the development of sterile insect techniques for the control and eradication of mosquitoes is crucial. Over 90 per cent of the world's malaria cases occur in Africa, where malaria causes about 2 million deaths yearly. The Agency should be able to intensify its research, with a view to enabling the use of the technique for the control and eradication of malaria-transmitting mosquitoes; it should, however, involve more and more African and other developing countries' scientific and research institutes in the research programme. In this context, we welcome the level of progress recorded in the development of the technique for the control and eradication of malaria-transmitting mosquitoes, and note with appreciation the important activities carried out in the Sudan, in Île de la Réunion and at the Agency's laboratories in Seibersdorf, Austria.

The increasing number of new cases of cancer, and consequently the number of deaths it causes worldwide, particularly in developing countries, threatens socio-economic development. According to the World Health Organization (WHO), cancer is the second most common killer in the world today, after cardiovascular disease; 12.5 per cent of all deaths worldwide are currently caused by cancer. WHO predicts that cancer will reach epidemic proportions, rising from 11 million new cases in 2002 to 16 million new cases in 2020. The largest increases are foreseen in developing countries.

The use of existing nuclear technology for diagnosis and treatment could cure many victims, if cancer is detected early. Unfortunately, the appropriate technologies, including cobalt radiotherapy, are not available for most cancer patients in developing countries.

We therefore note with appreciation that in May 2005 the World Health Assembly welcomed the initiative of the Agency in establishing a Programme of Action for Cancer Therapy (PACT), and requested the Director-General of WHO to explore the feasibility of initiating the development of a joint programme with the IAEA for cancer prevention, control, treatment and research. We commend the emphasis given to the

cooperation between the two organizations, involving other relevant United Nations bodies and other stakeholders, including scientific and professional organizations, to implement this crucial programme. We encourage Member States, relevant organizations and other non-traditional donors to contribute to its implementation.

In this context, the Angolan Government notes with appreciation the Board of Governors' decision on 25 September this year to suspend the operation of Financial Regulation 7.03(c) until 31 October 2006, as recommended in document GOV/2006/25/Rev.2, in order to permit member States to contribute their respective individual allocations of the final cash surplus from the 2004 regular budget towards the minimum funding requirement of the Programme of Action for Cancer Therapy.

The human immunodeficiency virus (HIV) is now a pandemic, with an estimated 38.6 million people living with the disease worldwide. In January this year joint United Nations and World Health Organization estimates were that the acquired immunodeficiency syndrome (AIDS) had killed more than 25 million people since it was first recognized in 1981, making it one of the most destructive epidemics in recorded history. Most of these deaths are occurring in sub-Saharan Africa, thus retarding economic growth and eliminating human capital, and consequently increasing poverty. The Angolan Government notes with appreciation the Agency's regional project entitled "Initiatives in HIV-Molecular Epidemiology and Immunology in Support of the UNAIDS-WHO African AIDS Vaccine Programme", and encourages the exploration of further possible partnerships with the relevant national, regional and international institutions.

I turn to the management of water resources. Access to safe drinking water is a crucial factor in improving living standards around the world; it is a basic necessity that is still unavailable to a large part of the world's population. In this context, we welcome the proclamation of the period 2005-2015 as the International Decade for Action "Water for Life", to bring about a better focus on the critical linkage between water and human development at all levels, and to improve the sustainable management of freshwater resources.

Recognizing that the Agency has continuously demonstrated the importance of isotope techniques for water resources development and management, particularly for groundwater management in arid and semi-arid regions and for an improved understanding of the water cycle, my country encourages the Organization to proceed, along with other relevant United Nations agencies and regional bodies, to develop human resources in isotope hydrology at regional training centres.

With regard to technical cooperation between the International Atomic Energy Agency and my Government, I would first like to stress that the Republic of Angola became a member of the Agency in November 1999. Since then my country has benefited from assistance provided by the Agency under its Technical Cooperation Programme. At present, the ongoing programme consists of four projects: the establishment of Angola's first radiotherapy centre; upgrading the capability to use nuclear techniques for diagnosis and monitoring of animal diseases; veterinary drug-residue monitoring; and human resources development.

Angola has also been participating in several regional and interregional projects included in the African Regional Cooperative Agreement for Research, Development and Training Related to Nuclear Science and Technology (AFRA) programmes. In this connection, we wish to make special mention of the project entitled "Coastal Zone Management to Address the Adverse Effects of Harmful Algal Blooms", in which South Africa and Namibia are also participating.

Furthermore, my Government has submitted for the Agency's consideration, under the 2007-2008 technical cooperation programming cycle, 10 project concepts dealing with the establishment of the first nuclear medicine capability; management of the most common cancers in Angola; isotope-based molecular techniques for malaria control; assessment of marine pollution from offshore petroleum exploration (phase II); improvement of food crops through mutation breeding; effect of biofertilizers and inorganic fertilizers in the growth and yield of maize; ionizing radiation in food crops and effect on animal consumption; and industrial non-destructive testing.

However, it is important to stress that the benefits from the Agency's assistance can be maximized only if it includes the training of nationals in nuclear science

and technology. This being the case, my Government thanks the Agency for all these most valuable actions taken under the Technical Cooperation Programme aimed at enhancing the knowledge of our technicians: the provision of training, expert advice and equipment; participation in seminars, workshops, conferences, scientific visits, fellowships; and so on.

With regard to the application of the Agency's safeguards in the Middle East, the Republic of Angola, in principle, supports the basic and inalienable right of States parties to the Nuclear Non-Proliferation Treaty (NPT), as stipulated in article IV, to develop research, production and use of nuclear energy for peaceful purposes, without discrimination and in conformity with their legal obligations as contained in articles I and II. With the same conviction, my Government encourages all NPT States parties to respect the statutory mandate of the Agency to verify compliance with the Treaty. Therefore, my Government appeals to all Member States involved in negotiations with the Islamic Republic of Iran on its nuclear programme to continue using dialogue to achieve a peaceful solution.

To conclude, the Republic of Angola has every reason to recommend approval by the General Assembly of the report of the International Atomic Energy Agency.

Ms. Mladineo (Croatia): Croatia aligned itself with the statement made by the representative of Finland on behalf of the European Union and associated countries. Therefore, I shall limit my remarks to a few issues of particular interest to my country.

First, let me stress that Croatia was honoured and pleased to be elected to the membership of the Board of Governors of the International Atomic Energy Agency at the September General Conference. Our candidature demonstrated our appreciation of the Agency's unique contribution to peace, security and development in the world, as well as our interest in playing a part in its endeavours. We will do our utmost to live up to the demanding challenge of Board membership at this difficult and critical time for nuclear disarmament and non-proliferation.

Secondly, I would like to restate Croatia's appreciation of the Agency's lucid and comprehensive annual report, appreciation already expressed by our Foreign Minister in Vienna. The Republic of Croatia is also sponsoring the draft resolution on the report.

Croatia commends the Agency for the successful continuation of its wide-ranging activities in the fields of technology, safety and verification. We particularly emphasize our support for the efforts of the Director General and the secretariat to continuously upgrade and develop the Agency's concepts and means in approaching new challenges, and to be, as the Director General has put it, "ahead of the game", especially regarding dangerous trends in nuclear proliferation.

Croatia attaches special importance to the Agency's efforts to achieve the universal application of a strengthened safeguards system and to develop a new international or multinational approach to managing the proliferation-sensitive aspects of the nuclear fuel cycle.

The fact that there are still 105 countries, out of 183, where the additional protocol is not yet applied is a cause of great concern and makes its universalization an urgent priority. There is no doubt in our mind of the parallel need to significantly increase the Agency's verification resources if we want it to be able to deal effectively with the increased verification demands.

As far as the multinational approach to the fuel cycle is concerned, Croatia welcomed the recent discussion on the new framework for the nuclear-fuel cycle during the special event at the fiftieth General Conference. That discussion highlighted the relevance of the assurance-of-supply concept for the benefit of both non-proliferation and the peaceful use of nuclear energy. It also showed that the issue requires thorough and sensitive consideration from the point of view of safeguarding the rights and obligations of non-nuclear countries under the Nuclear Non-Proliferation Treaty (NPT).

Thirdly, I would like to reaffirm Croatia's commitment to furthering our productive relationship with the Agency. This includes our close and beneficial technical cooperation in the areas of health, environment and capacity-building, and also the implementation of our international obligations.

Croatia was one of the first member States to sign and ratify the model additional protocol, the amendment to article VI of the IAEA Statute and the amendment to the Convention on the Physical Protection of Nuclear Material. Croatia also supports the Code of Conduct on the Safety and Security of Radioactive Sources and the Supplementary Guidance on the Import and Export of Radioactive Sources.

Additionally, Croatia recognizes the special value of the Agency's regional technical cooperation activities. We are pleased to see a growing number of foreign participants, especially from our neighbourhood, at various events in our country. Croatia has offered to act as a leading or alternate leading counterpart in the preparations for a number of the 2007 regional projects. We are ready to further strengthen our role in the region, bearing in mind the importance of coordinated and effective regional measures to maximize the peaceful use of nuclear energy, and confront the growing risk of proliferation and nuclear terrorism.

Finally, let me reiterate Croatia's full commitment to a strengthened role for the Agency in confronting the new security threats and helping the world along the path towards sustainable non-proliferation and genuine Atoms for Peace. The Agency's challenges are important and difficult, as the annual report makes perfectly clear. It also makes it clear that they can be met only through the continuing active partnership of member States and the Agency. Croatia pledges its unequivocal commitment to that partnership.

Mr. Maqungo (South Africa): My delegation commends the Director General of the International Atomic Energy Agency (IAEA) for the insightful report before the Assembly on the activities of the Agency for 2005. The report is yet another impressive example of the Agency's untiring efforts to promote the peaceful application of nuclear technology, nuclear safety and nuclear verification.

South Africa notes with appreciation that the Agency continues to play an important role in the context of the emerging trend of rediscovering the viability of nuclear energy — an area in which many countries, including my own, are reviewing their policies. Many countries are increasingly of the view that nuclear power can make a major contribution to meeting energy needs for a large number of both developed and developing countries. As a result, the promotion of nuclear energy is fast reaching unprecedented levels and becoming a priority because of the belief that it could contribute to the improvement of living standards, assist in combating poverty and help to promote sustainable development, thereby strengthening international peace and security.

South Africa strongly believes that the promotion of nuclear energy comes with a unique responsibility: to enhance the regulatory capabilities of developing countries through technology transfers and capacity-building, with special emphasis being given to technical cooperation within developing countries.

In this connection, even though South Africa is in the favourable position of being able to contemplate the use of nuclear energy through the use and development of our own resources, we commend the Agency's Technical Assistance Programme, which is an important demonstration of the Agency's continued support in helping developing countries to improve the living standards and well-being of their people by combating chronic diseases, such as cancer.

The prevalence of cancer, which is increasing in developing countries, requires new and determined efforts to curb the disease. The South African Department of Health has identified the fight against chronic diseases, including cancer, as a priority area for the next five years. It is for that reason that South Africa reiterates its support for the Agency's Programme of Action for Cancer Therapy (PACT), which is one of the important priorities of the Agency. South Africa will continue to strongly support PACT and the creation of the Agency's Nobel Cancer and Nutrition Fund to provide cancer- and nutrition-related fellowships in the developing world, in cooperation with the World Health Organization.

In an effort to give practical meaning to that commitment, South Africa announced that it will contribute its share of the Agency's cash surplus, amounting to \$19,472, to the funding for PACT. We hope that that humble gesture will make a contribution to the early detection and possible prevention of cancer.

As it has done on previous occasions elsewhere, South Africa takes this opportunity to reaffirm that the IAEA is the only internationally recognized competent authority for verifying compliance with safeguards agreements and States' peaceful application of nuclear capabilities. In this connection, my delegation recognizes the important role that the additional protocol can play as a supplementary measure to provide the necessary confidence and the desired assurances that member States are applying their nuclear technology solely for peaceful purposes, and

that no declared or undeclared material is diverted to nuclear weapons programmes.

South Africa believes that as States members of the IAEA we have all committed ourselves to providing the Agency with the support and assistance it needs to fulfil its safeguards and verification mandate. This commitment derives from our membership of the Agency, as well as from the legally binding agreements that we have concluded. Furthermore, it is South Africa's view that countries with access to advanced technologies have a greater responsibility to provide assurances and to build confidence in the peaceful nature of their nuclear programmes.

With regard to the issue of safety and security, South Africa has on many occasions stated that the Agency should continue to play an important role to help maintain the safety and security of nuclear activities. In this regard, South Africa commends the Agency for work done to set appropriate norms for the safety and security of member States and integrate them into their national norms and ensure universal adherence to, and full implementation of, the relevant international legally binding instruments on nuclear activities. This is a step in the right direction — a direction that is essential if we are to establish and maintain a high level of nuclear safety around the world.

The total elimination of all nuclear weapons is our common objective. That would constitute another significant step in the right direction. My delegation continues to believe that the issues of nuclear disarmament and nuclear non-proliferation are inextricably linked. Our concerted efforts to prevent the proliferation of nuclear weapons should therefore be matched by a concurrent effort to eliminate in a verifiable and irreversible manner all nuclear weapons and to achieve universal adherence to the Treaty on the Non-Proliferation of Nuclear Weapons.

Furthermore, South Africa believes that without any real progress on the elimination of highly enriched uranium and other fissile materials in military applications, including plutonium, the threat to global security cannot diminish. By focusing exclusively on highly enriched uranium in civilian applications, we may well generate a misunderstanding that can only contribute to creating a false sense of security.

We therefore reiterate our call on nuclear-weapon States to work expeditiously towards the total

elimination of nuclear weapons and for the commencement without delay of negotiations in the Conference on Disarmament on a non-discriminatory, multilateral, international and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other explosive devices.

Last but not least, I again thank all delegations for the support and cooperation provided to South Africa during its tenure as President of the IAEA's fiftieth General Conference, held in Vienna last month. That jubilee Conference ended successfully with the adoption of many resolutions and decisions manifesting the member States' rededication to expand the peaceful use of atomic energy. As we did at the General Conference, my delegation calls on the General Assembly to take the call of former United States President Dwight Eisenhower for "atoms for peace" one step further to "atoms only for peace".

In conclusion, with these comments my delegation fully supports and co-sponsors the draft resolution on the report of the International Atomic Energy Agency, introduced by the delegation of Slovenia.

Mr. Danesh-Yazdi (Islamic Republic of Iran):

Allow me at the outset to express our gratitude to Mr. ElBaradei, Director General of the International Atomic Energy Agency (IAEA), for his tireless efforts and for the insightful report he has presented to the General Assembly. The report indicates that the Agency is increasingly developing its activities in many areas of nuclear technology that are of great interest and importance to the human community.

In October 1956, when the International Atomic Energy Agency was created in response to expectations and concerns that had resulted from the advent of the nuclear age, one of its main objectives, as set out in article II of its Statute, was "to accelerate and enlarge the contribution of atomic energy to peace, health and prosperity throughout the world". On the fiftieth anniversary of the establishment of the Agency, we are now in a position to assess the extent to which that specialized agency has achieved its main objectives after half a century of activity.

It is a well-recognized fact that nuclear technology has broad peaceful applications in numerous fields, ranging from food, medicine and agriculture to providing a renewable source of energy. In particular, the IAEA has a specific mandate in

relation to nuclear power. The rapid growth in global energy demand is making a high priority of all energy reserves. Concerns over climate change have particularly highlighted the advantages of nuclear power in terms of its minimal greenhouse-gas emissions. According to the Agency, the sustained nuclear safety and productivity record over the past 20 years has made nuclear energy both reliable and cost effective.

In paragraph f of its resolution GC(43)RES/14 of 1 October 1999, the Agency recognized that

"many countries consider nuclear power, being a climatically benign source of energy, to be an eligible option under the Clean Development Mechanism of the Kyoto Protocol".

In that context, the IAEA General Conference requested the Director General to pursue efforts to strengthen the technical cooperation activities of the Agency aimed at improving the scientific, technological and regulatory capabilities of developing countries and by continuing to assist them in nuclear energy production for those States pursuing it as a component of their energy mix in the twenty-first century.

Moreover, the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), concluded in 1968, reaffirmed that important objective of the Agency and recognized the inalienable right of all NPT States parties to the peaceful use of nuclear energy. Under article IV of the NPT, States parties have undertaken to facilitate the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy. In fact, the inalienable right of all NPT States parties to nuclear technology for peaceful purposes, without discrimination, constitutes one of the three major pillars upon which the NPT is founded.

Notwithstanding such requirements, the cooperation of the developed countries, as the main suppliers of nuclear high technology, with the developing nations has remained at an unsatisfactory level. It is worth mentioning that, after almost 50 years of existence, the budget of the international cooperation section of the Agency remains unsteady due to its voluntary nature and the conditionality imposed by certain member States on its allocations.

There are currently 442 nuclear power reactors operating in 30 countries. However, to date, the use of nuclear power has been concentrated mainly in industrialized countries. In fact, nuclear cooperation between suppliers and recipients has been beset by restrictions, obstacles and disruption. Instead of promoting cooperation, the "nuclear haves" club, laden with discrimination and a lack of transparency, was created, inter alia, to hamper the access of NPT developing countries to nuclear power technology under the pretext of non-proliferation concerns.

At the same time, there is a dangerous trend at work, moving in the opposite direction of safeguarding the NPT and ensuring its universality. Under that trend, those who have chosen not to accede to the NPT not only are not subject to any pressure to do so, but are also encouraged and rewarded in different ways. As an example, the Israeli regime has been allowed to acquire a large stockpile of nuclear weapons in the volatile Middle East region and to defy the will of all regional States and the international community to turn the Middle East into a zone free from nuclear weapons. Emboldened by the irresponsible approach of a few powers, the Israeli regime has also become so audacious as to unleash a masquerade of lies and deception against Iran's peaceful nuclear programme.

The Islamic Republic of Iran, as the latest victim of weapons of mass destruction, strongly believes that the international community must strive to ensure that the nightmare visited upon the people of Hiroshima and Nagasaki will never befall any people again. The only absolute guarantee is obviously the total elimination of nuclear weapons, as stipulated by the NPT and also emphasized in the Advisory Opinion of the International Court of Justice. However, as an interim measure, the international community must take all necessary steps to ensure universality of the non-proliferation regime and the IAEA safeguard mechanisms. Likewise, the IAEA could and should play a decisive role through vigorously pursuing a balanced and non-discriminatory application of the provisions of the NPT and the IAEA safeguards.

Like every other State that has acceded to the NPT, Iran considers the pursuit and development of nuclear technology for peaceful purposes to be its inalienable right, and has thus invested extensive human and material resources in this field. At the same time, as repeatedly stated, nuclear and other weapons

of mass destruction have no place in Iran's defence doctrine. All reports by the IAEA since 2003 have been indicative of the peaceful nature of the Iranian nuclear programme, and the Agency has repeatedly reaffirmed that it "has not seen any diversion of nuclear material to nuclear weapons or other nuclear explosive devices" in Iran's peaceful nuclear programme. The Director General of the IAEA has also stressed this in various public statements.

It is regrettable that, despite all those clear assertions, certain circles, in an ill-intended and politically motivated propaganda campaign, have attempted to distort the facts about Iran's peaceful nuclear programme. A case in point is the recent IAEA reaction to the baseless allegations and distortion of facts contained in a United States Congressional report on Iran's nuclear programme. In a letter dated 12 September this year, the Agency described the report as containing "erroneous, misleading and unsubstantiated information". We greatly appreciate the Agency's vigilance and its timely reaction to such a baseless report.

I also take this opportunity to once again express our utmost appreciation to the Heads of State or Government of the Non-Aligned Movement for their support for my country's peaceful nuclear programme, contained in the statement issued at the Havana Summit in September this year. That statement indicates that the international community, especially the developing countries, is determined, despite all pressures and fabrication of facts, to defend the inalienable right of NPT-adherent States to the peaceful use of nuclear energy.

I conclude by recalling that the Islamic Republic of Iran has demonstrated its readiness to resume negotiations, without any preconditions, with its counterparts to assure them of the peaceful nature of its nuclear programme. To this end, we responded, in good faith, to the package proposed by the 5+1 Group with a view to providing a reasonable basis to build confidence through constructive negotiations. Indeed, such negotiations should serve two fundamental objectives, guaranteeing Iran's inalienable right to peaceful nuclear technology, without discrimination, and guaranteeing that its nuclear programme will remain peaceful.

The meeting rose at 1.05 p.m.



General Assembly

Sixty-first session

43rd plenary meeting

Monday, 30 October 2006, 3 p.m.
New York

Official Records

President: Ms. Al-Khalifa (Bahrain)

In the absence of the President, Mr. Al-Murad (Kuwait), Vice-President, took the Chair.

The meeting was called to order at 3.10 p.m.

Agenda item 81 (continued)

Report of the International Atomic Energy Agency (IAEA)

Note by the Secretary-General (A/61/266)

Draft resolution (A/61/L.9)

Mr. Kōdera (Japan): At the outset, I would like to express my gratitude to Mr. Mohammed ElBaradei, Director General of the International Atomic Energy Agency (IAEA), for his detailed briefing on the activities of the Agency over the past year. The IAEA will commemorate the fiftieth anniversary of its establishment next year, and attention to and interest in its roles have never been greater than they are today. The fact that Mr. ElBaradei and the Agency were awarded the Nobel Peace Prize last year testifies to the continued strong interest of the international community in the IAEA and the high regard in which it is held.

In recent years, the role of nuclear energy has been re-evaluated, and the momentum for the promotion of nuclear energy has grown across the globe. Its use must be promoted in a manner that fully takes into account the various elements of nuclear proliferation, safety and security. From this

perspective, the role of the IAEA has taken on even greater importance than in the past.

Japan has utilized nuclear energy for peaceful purposes, gaining the confidence of the international community and maintaining high transparency through the faithful implementation of its IAEA safeguards agreement, for nearly 30 years. As a result, in September 2004 implementation of the integrated safeguards commenced in Japan. Japan is committed to fully cooperating with the IAEA in ensuring strict implementation of the safeguards in Japan.

The second matter I would like to raise is the reinforcement of the Nuclear Non-Proliferation Treaty (NPT) regime. Notwithstanding achievements in this area — including the progress made towards the universalization of the additional protocol, the amendment of the Nuclear Suppliers Group Guidelines and the establishment of the Advisory Committee on Safeguards and Verification — the global non-proliferation regime still faces serious challenges, such as the Democratic People's Republic of Korea and Iranian nuclear issues. We must therefore redouble our efforts to strengthen the nuclear non-proliferation regime.

In order to address the issue of promoting the peaceful uses of nuclear energy, while ensuring consistency with non-proliferation requirements, various proposals to control nuclear fuel cycles under an international or multilateral framework have been put forward. They include the multilateral approaches to the nuclear fuel cycle — multilateral nuclear

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approaches — proposed by Mr. ElBaradei. Japan, for its part, has proposed the establishment of an IAEA standby arrangement system for nuclear fuel supply, with a view to complementing the content of the six-nation initiative on reliable access to nuclear fuel.

Finally, I would like to comment on two issues that pose an imminent challenge to the international community: the Democratic People's Republic of Korea and Iranian nuclear issues. The announcement by the Democratic People's Republic of Korea on 9 October 2006, local time, that it had conducted a nuclear test shocked the entire international community. The announcement of the nuclear test, despite the call by the Security Council in a presidential statement that it refrain from testing, is totally unacceptable, all the more so given that the Democratic People's Republic of Korea recently launched ballistic missiles that can be used as a means of delivery of weapons of mass destruction.

These actions by the Democratic People's Republic of Korea pose a serious threat to peace and security in East Asia and to the international community as a whole. Japan strongly calls upon the Democratic People's Republic to respect Security Council resolution 1718 (2006), which was adopted unanimously on 14 October. The Democratic People's Republic must refrain from actions that would further aggravate the situation; abandon all nuclear weapons and its existing nuclear programmes; act in accordance with the conditions set out in the IAEA safeguards; provide information on steps on transparency measures; and implement the requirements set out in the resolution, including returning without any preconditions to the Six-Party Talks.

Japan, for its part, will fully implement resolution 1718 (2006), adopted under Chapter VII of the Charter, and requests other Member States to do the same.

On Iran, it is regrettable that the country is continuing uranium enrichment in defiance of Security Council resolution 1696 (2006). The question here is not whether Iran has the right to use nuclear energy for peaceful purposes. Such a right can only be exercised when Iran has taken the required steps to restore the confidence of the international community lost as a result of its past activities. Japan strongly urges Iran to accept resolution 1696 (2006), immediately suspend uranium enrichment-related activities and return to the negotiating table. Japan believes this is the best option

and will benefit all parties concerned. Japan will work in concert with the international community to achieve a peaceful and diplomatic resolution of this issue.

Today I have stated my Government's position on some of the challenges that confront the Agency. There are other important issues that have relevance to nuclear energy, such as anti-nuclear-terrorism measures; international cooperation for the promotion of peaceful uses of nuclear energy; nuclear safety; and transport of radioactive materials.

In 2007 the preparatory process of the 2010 NPT Review Conference will begin. Japan will continue to work closely with the IAEA to ensure a smooth start to this process.

I conclude my statement by informing the General Assembly that Japan co-sponsored the draft resolution introduced by the representative of Slovenia, and will vote in favour of it.

Mr. Hamidon (Malaysia): I join others in thanking Mr. Mohamed ElBaradei, Director General of the International Atomic Energy Agency (IAEA), for his presentation of the Agency's annual report for 2005.

It was a year of notable success for the Agency in its efforts to ensure that the benefits of nuclear technology were shared globally for economic and social development. My delegation commends the excellent work and efforts of the Agency, under the dynamic leadership of Mr. ElBaradei, in fulfilling its mandate during the period under review.

Malaysia recognizes the value of nuclear technology for the achievement of sustainable development and the process of nation-building, and the value of the role played by the Agency in that regard. We reaffirm our support for the Agency in its mission to promote and facilitate the development of nuclear technology for peaceful uses, as embodied in article II of its Statute. In that connection, the Technical Cooperation Programme of the Agency remains a crucial component of its mandate and activities. Malaysia is both a donor to and a recipient of the Programme, and we commend the Department of Technical Cooperation of the IAEA for its continuous efforts in discharging its statutory mandate for the benefit of recipient member States, as well as for its creditable achievements.

The Director General of the IAEA, during his opening statement at the fiftieth regular session of the IAEA General Conference, identified three distinct phases: the establishment of mechanisms for the assurance of supplies of fuel for nuclear power plants as the first phase; the development of assurances of supply for the acquisition of nuclear power reactors as the second phase; and the conversion of existing uranium enrichment and spent nuclear fuel reprocessing facilities from national to multilateral operations as the third phase.

Although we support such a move towards improving assurances of supplies in the field of nuclear power generation technology, while also reducing the risks of the further proliferation of sensitive technologies that can be used in the development of nuclear weapons, that should by no means lead to any unilateral adoption of a norm that will affect the fundamental inalienable rights of the States parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) to engage in research, production and use of nuclear energy for peaceful purposes, without discrimination. Such a move should also not distract global attention from the obligations of nuclear-weapon States to undertake to pursue negotiations in good faith on effective measures relating to the cessation of the nuclear arms race at an early date and to nuclear disarmament. Despite the overwhelming global attention to nuclear non-proliferation, Malaysia remains firmly convinced that the pursuit of general, complete and irreversible nuclear disarmament under strict and effective international control is the most effective way of removing the threat of nuclear weapons proliferation.

Nevertheless, my delegation believes that such a multilateral approach to the nuclear fuel cycle should provide a more economically attractive option for developing countries embarking on a nuclear power generation programme, particularly for those countries with a relatively small nuclear power programme involving only a handful of nuclear power plants.

Malaysia also believes that the strengthening of the existing nuclear-weapon-free zones and the establishment of new nuclear-weapon-free zones in all regions of the world, on the basis of arrangements freely arrived at among the States of the region concerned, constitute a positive step towards attaining the objective of global nuclear disarmament.

In that regard, Malaysia welcomes the signing of the Treaty on a Nuclear-Weapon-Free Zone in Central Asia by the Ministers of Foreign Affairs of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan in Semipalatinsk on 8 September 2006. Malaysia considers the establishment of that newest nuclear-weapon-free zone to be an effective contribution to the strengthening of regional and global peace and security, and urges the nuclear-weapon States to provide unconditional assurances against the use or threat of use of nuclear weapons against all the States of that Zone.

In that connection also, Malaysia reiterates its call for the prompt establishment of a similar nuclear-weapon-free zone in the Middle East, in accordance with Security Council resolutions 487 (1981) and 687 (1991) and relevant General Assembly resolutions adopted by consensus. Malaysia calls upon Israel to promptly place all its nuclear facilities under IAEA full-scope safeguards, in accordance with the resolution 487 (1981).

Closer to home, my delegation remains concerned over the continued unwillingness of a majority of the nuclear-weapon States to sign the Protocol to the Treaty on the South-East Asia Nuclear-Weapon-Free Zone, which was signed by all 10 Member States of the Association of Southeast Asian Nations.

Malaysia appreciates the high premium placed by the global community on the issue of nuclear security, in view of the serious threats of mass transnational terrorism, including that of nuclear and radiological terrorism. However, this has led to the development of a multitude of overlapping initiatives by a number of international organizations, including the IAEA, in the same area. Such overlapping nuclear and other related international security initiatives have since imposed a heavy burden on the work of the relevant Government agencies, and posed new challenges to inter-agency coordination in member States.

In order to optimize the utilization of resources and ensure effective inter-agency coordination between the responsible authorities in member States, my delegation calls upon the IAEA to coordinate the implementation of its nuclear security initiatives with that of other relevant multilateral organizations, especially within the framework of the United Nations, such as between the IAEA and the Counter-Terrorism Executive Directorate of the Security Council. That is

imperative, since different international organizations have different counterpart agencies in the member States.

On the implementation of the NPT Safeguards Agreement with the Islamic Republic of Iran, Malaysia again reiterates its recognition of the IAEA as the sole competent authority for the verification of the safeguards obligations of that country and other Member States, and further stresses that there should be no undue pressure or interference in the activities of the IAEA in that regard — particularly on verification — which could jeopardize its efficiency and credibility. While Malaysia took note of the assessment of the IAEA Director General that all nuclear material declared by Iran had been accounted for, we nevertheless urgently encourage Iran to continue to cooperate actively and fully with the IAEA, within the Agency's mandate, in order to resolve the outstanding issues towards the promotion of confidence and a peaceful resolution of the matter.

Turning to the issue of the Democratic People's Republic of Korea, Malaysia deplores the nuclear test which that country claims to have conducted on 9 October 2006. Malaysia believes that the test is a serious setback to efforts aimed at keeping the region and the world free from nuclear weapons. It could also trigger an arms race in the region. Therefore, we call on the Democratic People's Republic of Korea to cease developing its capability to produce nuclear weapons and to return to the moratorium on nuclear testing.

We also strongly believe that the continued existence of nuclear weapons presents a grave threat to humanity, particularly by increasing the risk of proliferation. We therefore reiterate the importance of achieving the universal goal of complete and general disarmament. Malaysia urges all countries in the region to exercise maximum restraint and refrain from actions that could further heighten tension in the region. In that context, Malaysia further urges all parties concerned to return to the Six-Party Talks and resume negotiations with a view to resolving all outstanding issues amicably.

Finally, Malaysia would like to express once again its appreciation to Mr. Mohamed ElBaradei, Director General of the IAEA, as well as to the IAEA secretariat, for their significant and valuable work in fulfilling the three pillars of the Agency's mandate. Malaysia pledges its full support to the IAEA, as one

of the organizations of the United Nations system that continue to uphold and maintain their central and universal role in addressing the enormous challenges ahead.

Mr. Musa Daffalla (Sudan) (*spoke in Arabic*): I should like at the outset to express my profound gratitude and appreciation to the President for her efforts in organizing today's debate and guiding the Assembly's work so judiciously and skilfully, in fulfilment of the great aspirations and responsibilities of this major organ of our international Organization.

We also express our thanks and appreciation to Mr. Mohamed ElBaradei, Director General of the International Atomic Energy Agency (IAEA), for his comprehensive report, which contains a detailed account of the Agency's work and programmes in the area of the development of the peaceful uses of nuclear technology and ensuring the safety of nuclear and radiological facilities. The warm reception he received and the honours bestowed upon him by numerous academic and scientific institutions reflect the growing trust placed in the Agency, and show how much the Director General is appreciated in higher scientific circles and by civil organizations' personalities.

Fifty years after the creation of the IAEA, despite the enormous transformations witnessed in the world, the Agency has remained a haven of cooperation for the peaceful uses of nuclear energy and for development. My delegation welcomes the final statement of the meeting organized by the Agency in Paris in March last year to study the role of nuclear power in the future, which affirmed that nuclear power can contribute significantly to meeting the energy requirements of a large number of developing and developed countries in the twenty-first century and enhancing international development.

We pay tribute to the Agency for its efforts to heed international public opinion regarding the use of nuclear energy to generate electricity. The report highlights the growing importance of nuclear energy in improving standards of living in developing countries, given that such energy provides 16 per cent of the world's electricity.

My delegation also supports the Agency's efforts, undertaken in cooperation with various scientific partners, to create new and improved vaccines in the context of the nuclear medicine programme, especially

with regard to cancer, which is one of the most deadly diseases.

Despite the fact that the report indicates that 156 States have concluded safeguards agreements with the Agency, and that their nuclear programmes and facilities have remained peaceful, my delegation recalls the Final Document of the meeting of Heads of State or Government of the Non-Aligned Movement, held in Cuba, which reaffirmed the right of States to engage in research, production and use of nuclear energy for peaceful purposes, without discrimination, in accordance with international obligations. It also reaffirmed that the IAEA should remain the only competent authority to verify the obligations of member States regarding safeguards. States must therefore refrain from bringing pressure to bear on the Agency or interfering in its activities, so as not to undermine its credibility or subvert its effectiveness.

We therefore call for an approach based on equity and justice in dealing with outstanding issues in relation to certain countries in this regard. Double standards must be renounced and dialogue and constructive negotiation reaffirmed, with a view to reaching an effective solution in accordance with international obligations.

My delegation supports the statement made by the Director General this morning. We support peaceful solutions and believe that international concerns and expectations in the area of peace and security must be upheld. Every year my delegation reaffirms that the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) is the linchpin of international peace and security. The Sudan supports the aspirations of all geographic regions to declare themselves free from nuclear weapons. However, the Middle East has been spinning its wheels for decades because of the refusal of Israel, the only country in the Middle East that possesses nuclear weapons, to sign the Treaty and its additional protocol. Many members of the international community have appealed to Israel to change its position and sign the Treaty so as to put an end to the tension in the region and pave the way for comprehensive peace, which benefits everyone. If Israel does not do so, the causes of tension will remain and States will seek to possess nuclear weapons for self-defence and deterrence purposes. Declaring the Middle East a nuclear-weapon-free zone would be the best way to bridge the gap and consolidate regional security and international peace.

My delegation greatly appreciates the efforts of the Technical Cooperation Department in assisting countries to upgrade their country and regional programme frameworks. We take note of the budget set by the Agency for the African continent. However, greater funds are required if the continent is to achieve its goals. Additional resources must be provided in the general budget of the IAEA, and donors must be encouraged to provide grants in support of relevant programmes in Africa. We are hopeful that Africa will receive the major share this year, as Europe did last year. We call on the Agency to increase its funding to the least developed countries, which account for only 16 per cent of general expenditure. Helping developing countries to upgrade their legislative systems complements the efforts of the Agency in implementing technical cooperation programmes.

We hope that effective efforts will be made to combat malaria-transmitting mosquitoes, since malaria is the deadliest disease in Africa, and to eliminate the tsetse fly, with sophisticated technologies. Great hopes are pinned on these efforts to achieve social and economic development in developing countries.

Mr. Mayoral (Argentina) (*spoke in Spanish*): At the outset I thank Mr. Mohamed ElBaradei, Director General of the International Atomic Energy Agency (IAEA), for his presentation of the report on the activities on the Agency last year. As it approaches its fiftieth anniversary, the Agency, under the guidance of Mr. ElBaradei, has demonstrated its effectiveness and dedication in the control and monitoring of the nuclear energy activities of all States.

I would like to touch on a central aspect of what my country, Argentina, is currently doing in conjunction with Brazil. The Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials (ABACC) celebrates its fifteenth anniversary this year. ABACC is the result of a process of mutual confidence and transparency in a very sensitive and important technological area: the development and application of nuclear technology. It is a substantive mechanism that reflects the convergence of the nuclear policies of Brazil and Argentina and their integration in that area.

The process began many years ago. Milestones along the way include the joint presidential Declaration of Foz de Iguazú of 1985, the Declaration of Viedma in 1987 and the Declaration of Iperó of 1988. These were

followed by others in 1990 — in particular, the joint declaration of Argentina and Brazil on a common nuclear policy.

Over these 15 years, ABACC has successfully applied the Common System for Accounting and Control of Nuclear Materials, obtaining positive conclusions regarding nuclear activities under its control. This has been made possible thanks to the Argentine and Brazilian staff, whose expertise and commitment to the objectives and spirit of ABACC have been, and continue to be, essential to its continuity and growth.

Another point to be highlighted is ABACC's credibility at the national and international levels, which is closely linked to the characteristics I have described and the unflagging support of successive Governments of both countries for this important confidence-building mechanism.

In this anniversary year, it is particularly important to highlight also the importance of the IAEA and ABACC continuing their joint efforts to avoid duplication in the work of introducing new, strengthened international safeguards. Both the Common System and ABACC have a growing role in the framework of the Quadripartite Safeguards Agreement; both the Common System and the organization established by the two countries for its administration, ABACC, are of the utmost importance in the current context, in which there is a new impetus for nuclear development for peaceful purposes in both countries and in the world. They are also of particular relevance with regard to safeguards at the international level at a complex moment of change. ABACC has actively participated in the framework of the safeguards agreement with the IAEA, carrying out coordinated inspections and auditing, sharing equipment and technology with the Agency, designing control approaches, establishing joint inspection procedures and taking steps to avoid unnecessary duplication of efforts.

Before concluding, I would like to stress that this Argentina-Brazil bilateral mechanism was made possible by the fact that, after years of competition and rivalry, the two countries decided to act together to make a reality of the integration of the countries of South America.

Mr. Hannesson (Iceland): At the outset let me thank the Director General, Mr. ElBaradei, for his

report on the work of the International Atomic Energy Agency (IAEA). Iceland is one of the sponsoring States of the draft resolution on the IAEA report.

This year marks the fiftieth anniversary of the IAEA, and on this occasion we look back with appreciation on its accomplishments and important work. The IAEA is the world's focal point for peaceful nuclear cooperation and nuclear safety, and it has an indispensable global role in preventing the spread of nuclear weapons and countering new threats of nuclear terrorism.

The accomplishments of the Agency and its valuable work were highlighted by the Nobel Peace Prize received by the IAEA and its Director General for 2005. Iceland congratulates Mr. Mohamed ElBaradei and his staff on this recognition of their important work.

We reaffirm our commitment to the three pillars of the IAEA Statute: verification, safety and technology, which form the basis for the activities of the Agency. States must honour their commitments, and we urge member States to comply transparently and effectively with the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and IAEA safeguard obligations, and allow full IAEA verification of all nuclear activities.

In this context, Iceland strongly condemned the recent nuclear test carried out by the Democratic People's Republic of Korea. We urge the Democratic People's Republic of Korea to return to compliance with the NPT and IAEA safeguards obligations, and allow for full IAEA verification of all its nuclear activities.

Iceland supports the Director General and the IAEA in their efforts to seek clarifications from Iran and to verify its nuclear programme. It is of concern that the Director General's assessment is that, after four years of intense inspections, the Agency remains unable to make further progress in its efforts to verify the correctness and completeness of Iran's declaration, in order to confirm the peaceful nature of Iran's nuclear programme.

Iceland attaches the greatest importance to a high level of safety in all nuclear and radiation applications. Safety is a national responsibility, but has implications well beyond national boundaries. International cooperation is therefore indispensable in order to

maintain and improve safety in all nuclear and radiation applications.

Iceland appreciates the activities of the IAEA in fostering a global nuclear safety regime, and welcomes the efforts over recent years to update and extend the IAEA safety standards to cover all important thematic areas, facilities and activities. To assist in this effort, Iceland has undertaken to chair the IAEA Radiation Safety Standards Committee for the period 2005 to 2007.

On a national level, Iceland has this year ratified the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, and urges other Member States to do so as well. Iceland has also ratified the Convention on Assistance in the Case of Nuclear Accident or Radiological Emergency.

Finally, Iceland attaches great importance to the IAEA efforts to improve the quality of technical cooperation, in the interest of all Member States — in particular, the developing countries. Iceland contributes annually to the IAEA Technical Cooperation Fund.

Mr. Rachkov (Belarus) (*spoke in Russian*): The delegation of the Republic of Belarus has considered with satisfaction the report of the International Atomic Energy Agency (IAEA) for 2005. The Government of Belarus appreciates the activities of the IAEA during this period.

The work of the IAEA over recent years has proved that the Agency has become a truly leading international organization, entrusted with ensuring the secure development and use of nuclear energy in civil activities, as well as the effective monitoring of the implementation of international obligations on the non-proliferation of nuclear weapons.

Member States of the Agency and its secretariat have done significant work in the nuclear sphere. Thorough measures are being undertaken to secure a global regime of nuclear and radiation safety. A plan of action against nuclear terrorism is being implemented. Measures to strengthen the physical security of nuclear and radioactive materials are being taken.

There are also consistent steps to universalize the nuclear non-proliferation regime and increase the effectiveness of the IAEA safeguards system, together with activities to accumulate knowledge in the sphere

of nuclear sciences and training of experts in this field. Within the framework of the Technical Cooperation Programme, member States receive multifaceted assistance in the use of advanced nuclear technologies in medicine, power engineering and other fields, in order to promote socio-economic development.

The sense of purpose and professionalism of the IAEA staff and its Director General, Mohamed ElBaradei, were duly rewarded when they received the 2005 Nobel Prize. This high recognition of the results of their work should give an additional impetus to the joint activities of the secretariat and member States within the framework of the mechanisms provided for in the IAEA Statute for the full implementation of the IAEA's main motto — Atoms for Peace.

Being a member of the Board of Governors, the Republic of Belarus actively promotes the achievement of the IAEA's objectives and the fulfilment of its tasks. We consider the IAEA technical cooperation mechanisms to be important tools to introduce innovative ideas, technologies and experience in the nuclear sphere. The implementation of IAEA technical cooperation projects in Belarus significantly supports national efforts in a number of spheres, from health protection to the prevention of illegal trafficking in nuclear materials.

In the context of IAEA efforts to accumulate knowledge in the nuclear sphere, Belarus is particularly interested in IAEA training courses related to radiation safety. Belarus actively participates in this process and has for several years hosted annual regional training programmes on source radiation protection and security, with the participation of experts from the Commonwealth of Independent States (CIS) and Eastern European countries.

Belarus is a staunch and consistent supporter of the strengthening and universalization of the international nuclear non-proliferation regime. It unswervingly fulfils its obligations under the Nuclear Non-Proliferation Treaty (NPT) and the IAEA comprehensive safeguards agreement. In November 2005, the Republic of Belarus and the IAEA signed the additional protocol to the agreement. This step reconfirmed our adherence to the principles of non-proliferation of nuclear weapons.

In the development of nuclear technologies, we pin our hopes on the project for innovative nuclear reactors and fuel cycles implemented under the aegis of

the IAEA. Belarus has expressed its interest in participating in this project, and we are prepared to contribute effectively to its implementation.

In resolution 60/14, "Strengthening of international cooperation and coordination of efforts to study, mitigate and minimize the consequences of the Chernobyl disaster", the General Assembly noted with satisfaction the assistance rendered by the IAEA to Belarus, the Russian Federation and Ukraine on remediation of agricultural and urban environments, cost-effective agricultural countermeasures and the monitoring of human exposure in areas affected by the Chernobyl disaster. That is a fair assessment of the IAEA efforts.

The successful completion of work of the Chernobyl Forum, in which the IAEA played an organizational and coordinating role, was of great importance to Belarus. Significant work has been done to assess the health, ecological and socio-economic consequences of the Chernobyl disaster, whose twentieth anniversary was commemorated in April this year. Numerous comprehensive recommendations for actively encouraging international cooperation in these spheres were developed by the Forum. We call on the IAEA to make a constructive contribution to the implementation of those recommendations. Belarus is ready to broaden its interaction with the IAEA with a view to overcoming the Chernobyl legacy more rapidly and returning the region that has suffered from the disaster to a normal life.

Mr. Owoseni (Nigeria): The Nigerian delegation welcomes the status report of the International Atomic Energy Agency (IAEA), presented this morning by its Director General, Mr. Mohamed ElBaradei, and commends him for his consistent diligence, dedication and effective leadership over the years. We note the broad variety of activities conducted over the year that he reported upon, relating to the three main areas of the Agency's core mandate: nuclear technology, safety and security, and verification.

Nigeria enjoys a robust relationship with the IAEA, and strongly supports the efforts of the international community in strengthening the Agency's work and its capacity to discharge its vital role in the development and practical application of nuclear energy for peaceful uses, in technology transfer to developing countries, and in ensuring that peaceful nuclear energy is used in the safest possible way.

The Agency's activities and the scope of its mandate will naturally continue to attract increased global interest in the years ahead, as well as pose greater, and sometimes newer, challenges, some of which I shall touch upon.

As we note from the report, there are rising expectations for the expansion of nuclear power, emphasizing the need for energy for development, including nuclear applications for human benefits. Topical issues, such as progress and new initiatives in nuclear safety, security and verification, the strides made under the Technical Cooperation Programme, the Agency's management and funding, as well as the need for a new multilateral framework for the nuclear fuel cycle, will all continue to actively engage the serious attention of the IAEA and member States. In these areas, it is impossible to overemphasize the need for effective international cooperation in order for humanity to harness the full benefits of peaceful nuclear technology.

Nigeria appreciates the crucial role which the IAEA continues to play as a catalyst for the transfer of nuclear technology for the peaceful purposes of socio-economic development, especially for developing countries: nuclear energy, application of nuclear techniques and radioisotopes to increase food production, disease control and eradication, water resources management, protection of the environment, and industrial applications. We thus call upon the Agency to continue to exploit and expand the vistas of opportunities which nuclear technology portends in these and other fields.

To this end, the Nigerian Government, under the current Country Programme Framework with the IAEA, has given priority to some core projects aimed at exploring the role of nuclear power as part of our future national energy plans: strengthening national infrastructure in nuclear science and technology through the installation and commissioning of an accelerator facility and the use of a miniature neutron source reactor; expanding technical capabilities in nuclear medicine diagnosis; and strengthening radiotherapy services. Other areas include efforts to strengthen the national radiation protection infrastructure; groundwater investigation through the use of isotope hydrology techniques; developing crop varieties and enhancing food safety; and human resource development and nuclear technology support.

Our quest for nuclear energy is explained by Nigeria's large population of some 150 million people, its present low installed total energy generation capacity and the urgent need for diversification of our energy resources to meet future requirements for rapid industrialization and provision of mass employment for our people. These demand a reasonable energy mix, including the exploration of nuclear power, as part of the benefits Nigeria can derive from the Agency, while being fully conscious of our unequivocal commitment to the spirit and letter of the Non-Proliferation Treaty (NPT) and the Treaty of Pelindaba on the African Nuclear-Weapon-Free Zone.

To this end, President Obasanjo reconfirmed Nigeria's non-proliferation credentials on 31 July 2006, during the activation and inauguration of the Board of the Nigerian Atomic Energy Commission (NAEC), as the specialized agency to formulate and implement, in collaboration with the IAEA, Nigeria's nuclear energy programme. On that occasion, President Obasanjo charged the Commission, in line with the provisions of Act 46 of 1976 creating the Commission, to provide the requisite institutional framework and technical pathway to explore, exploit and harness atomic energy for peaceful applications in all its ramifications for the socio-economic development of Nigeria.

Nigeria is mindful that the adoption of nuclear energy has global implications requiring both bilateral and multilateral cooperation for a coordinated approach within the IAEA's framework. We are thus working in partnership with the Agency to create the requisite linkages with other interested member States for cooperation in the development of a sustainable energy programme from the start. We also wish to state that key components of Nigeria's obligations to the international community in the areas of safety and security, as well as the safeguards system, are being entrenched in the programme.

To that end, and in a bid to reassure our neighbours in Africa and the international community of the peaceful nature of our future nuclear energy plans, Nigeria organized an international workshop on the Treaty of Pelindaba, which established the African Nuclear-Weapon-Free Zone, in Abuja from 8 June to 9 June this year, with the objective of sensitizing African States on the need to bring the Treaty into force, 10 years after it was opened for signature. Representatives from African diplomatic missions in Nigeria, and those of the five permanent members of

the Security Council, as well as Spain, Portugal and the IAEA, were all invited and participated in the workshop. Needless to say, Nigeria was one of the first African countries to sign and ratify the Treaty.

In a similar effort, the Nigerian Nuclear Regulatory Authority has commenced the process of developing the requisite national regulatory capacity to cope with the eventual emergence of a nuclear power reactor programme. The process of ratifying and acceding to the relevant treaties and additional instruments necessary for the implementation of a successful national nuclear power programme, including the Convention on Early Notification of a Nuclear Accident and the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, has been set in motion.

Furthermore, Nigeria has established its State system of accounting for and control of nuclear material, and it submits annually to the IAEA the material accounting and balance of all safeguarded materials in Nigeria. The national policy and regulations on radioactive waste management are in place, as well as the commencement of activities for the designation and establishment of a radioactive waste management facility. Above all, adequate control over transportation and transborder movement of radioactive sources has been developed, and the requisite regulations were issued this year, with the cooperation of the IAEA and in conformity with its code of conduct on safety and security of radioactive sources.

In other areas of food and agriculture and human health, Nigeria continues to be concerned about the devastating effects of insect pests, such as tsetse flies and malaria-transmitting mosquitoes, on human and livestock development in Africa. These are a major obstacle to poverty alleviation in our continent. Nigeria notes with appreciation the IAEA efforts in using both Technical Cooperation Funds and extra-budgetary contributions to support the African Union's Pan African Tsetse and Trypanosomiasis Eradication Campaign (AU-PATTEC). We are also grateful to those countries that have made extrabudgetary contributions to the objectives of AU-PATTEC. In addition, my delegation thanks other development partners, as well as international organizations such as the Food and Agriculture Organization and the World Health Organization, that have participated in the campaign.

Nigeria is happy to note the remarkable success achieved in the area-wide application of the sterile insect technique against tsetse flies, aimed at creating a tsetse-fly-free-zone in Africa. Similarly, we welcome the feasibility study on developing the technique for the control and eradication of malaria-transmitting mosquitoes. We note that research and development on its use in this area has commenced both in the laboratory and in the field. We urge our development partners to allocate sufficient financial, technical and material resources to promote the implementation of the feasibility study at the earliest opportunity.

As a measure of Nigeria's commitment to the AU-PATTEC and the development of the sterile insect technique for the control and eradication of malaria-transmitting mosquitoes, I wish to restate the offer by my Government to the IAEA of the multi-purpose gamma irradiation facility, which is useful for both industrial and research applications, at the Sheda Science and Technology Complex in Abuja, to serve as a regional sterile insect breeder for the African continent and its neighbouring region. The facility has an innovative design with significantly enhanced versatility, and thus possesses the flexibility to irradiate a wide spectrum of products.

Turning to the Agency's management and financing, Nigeria continues to underline the need for the IAEA to broaden its staff recruitment and disposition to encompass various regions of the world and underrepresented Member States, in a fair and balanced manner. We also urge that, as it is one of the largest United Nations specialized agencies, but has perhaps the lowest gender representation, the employment of women, especially from the developing countries, must be given priority consideration for the acquisition of knowledge, expertise, experience and capacity-building, which are invaluable and indispensable to developing countries' requirements.

On financing, Nigeria notes that the IAEA General Conference, at its fiftieth regular session in September 2006, decided on a figure of \$80 million for the Technical Cooperation Fund target for each year of the 2007-2008 biennium. Numerically speaking, this represents an increase over the target for 2005-2006, but in real terms it reflects the principle of zero growth, taking into account the increasing needs and requests of member States for technical cooperation assistance. We thus call for more resources to be made available to

the Fund in a manner that will promote its assurance, predictability and sufficiency.

Considering the magnitude of the challenges facing the IAEA, Nigeria takes the position that the time has come to enhance its funding, with a view to making greater resources available to it to carry out its very important activities in order to meet these challenges in the future.

The IAEA continues to face mounting challenges, perhaps the greatest of which is in the area of detection of proliferation of nuclear technology for weapons purposes. The international community must realistically grapple with this situation in order to strengthen international peace and security, to which all Member States are committed under the Charter.

Nigeria regards the 1968 Nuclear Non-Proliferation Treaty (NPT) as the cornerstone of the global non-proliferation regime, with the IAEA safeguards system as an essential instrument for applying and ensuring compliance with the provisions of the safeguards system under the NPT. Nothing should be done to erode or weaken non-proliferation commitments under the Treaty, which we believe will strengthen confidence in the Treaty and enhance the attainment of international peace and security.

Nigeria reiterates its position that, judging from the history of the proliferation of nuclear weapons, by failing to curb or stop their own vertical proliferation and the technical sophistication of their nuclear arsenals the nuclear Powers have inadvertently encouraged other States to proliferate horizontally. From one nuclear Power in 1945, we now have nine nuclear-weapon States, the latest dating from October this year. That represents consistently at least one or two States becoming nuclear-weapon States every decade over the past 61 years, with no end seemingly in sight. The time is ripe for credible action on reversing this trend through effective nuclear disarmament, including the conclusion of a legally binding agreement to extend negative security assurances against the use and threat of use of nuclear weapons to the developing States that voluntarily renounced the possession of nuclear weapons.

The Nigerian delegation believes that the work of the IAEA would be greatly facilitated if there were a recommitment to genuine nuclear disarmament. The NPT ascribed asymmetrical obligations and responsibilities to nuclear and non-nuclear States

parties alike, by emphasizing that nuclear disarmament and non-proliferation should both be pursued vigorously, and not one at the expense of, or replacing, the other. As a first tangible demonstration of good faith in this regard, we call on the five nuclear Powers under the NPT to take the necessary action to ensure the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty.

In conclusion, Nigeria will continue to support the laudable role of the IAEA and global efforts to achieve its mandate under the Statute. We have thus again decided to co-sponsor the enabling draft resolution A/61/L.9, introduced by the representative of Slovenia.

Ms. Phua Mei Pin (Singapore): My delegation thanks the Director General of the International Atomic Energy Agency (IAEA), Mr. Mohamed ElBaradei, for his comprehensive report. Singapore was recently a member of the IAEA Board of Governors. We fully appreciate and support the Agency and its work.

Given the world's growing energy needs, there appears to be something of a nuclear revival. Nuclear power is seen as an important alternative source of energy. We can expect an expansion in its use and the concomitant growth of nuclear power installations. The largest growth is likely to be in Asia.

Unfortunately, there are also risks of nuclear proliferation. For example, we remain deeply concerned about the Democratic People's Republic of Korea's defiance of the will of the international community. We hope that that country will heed Security Council resolution 1718 (2006) and abandon its nuclear weapons programme and return to the Six-Party Talks, without preconditions. We also urge the Democratic People's Republic of Korea to return to the Nuclear Non-Proliferation Treaty (NPT), resume cooperation with the IAEA and accept full IAEA safeguards.

These developments underline the increased relevance and importance of the IAEA. Let me state clearly that the IAEA has done a tremendous job since 1957. The award of the 2005 Nobel Peace Prize to the Agency and to Mr. ElBaradei is testimony to that. But to deal with the challenges of the future the IAEA will have to strengthen its three pillars: nuclear safety, nuclear verification and nuclear technology.

The IAEA promotes high and consistent levels of nuclear safety. We recognize and support these efforts in providing clear benchmarks through instruments like peer reviews, assistance and review missions. The development and implementation of high standards in nuclear safety are key conditions to maintain as demand for nuclear energy grows.

In tandem, transboundary emergency preparedness and response capabilities become important, given the grave consequences of a nuclear accident. Singapore sees the establishment of such response capabilities as a priority. We commend the setting up of the Incident and Emergency Centre by the IAEA last year. We also support greater regional cooperation in nuclear safety to complement and strengthen national and international efforts. This would contribute to confidence-building in the use of nuclear power.

The promotion of nuclear safety goes hand in hand with ensuring nuclear security. Whether nuclear resources fuel growth or wreak unimaginable harm depends on who wields them. States must be vigilant in protecting nuclear materials and installations from falling into the wrong hands, through national efforts and international cooperation. Singapore is committed to supporting efforts to combat terrorism in all forms and at all levels.

We support the full and effective implementation of Security Council resolution 1540 (2004) to step up domestic controls and international cooperation against the proliferation of weapons of mass destruction. Singapore will expand its strategic goods control list to take in the full lists of items controlled by the four multilateral export control regimes: the Nuclear Suppliers Group; the Wassenaar Arrangement; the Australia Group; and the Missile Technology Control Regime. The expanded list will take effect from January 2008.

The spread in the use of nuclear power brings with it greater risks of nuclear proliferation. The IAEA must ensure that States exercise their right to nuclear energy for peaceful purposes, in compliance with their non-proliferation obligations under articles I, II and III of the Nuclear Non-Proliferation Treaty (NPT). There must also be full and transparent implementation of the IAEA's safeguards system. Its verification regime must remain central in providing safeguard assurances. It is also crucial that the safeguard regime be able to

respond to new challenges effectively and in a timely manner.

Singapore is working to put in place the necessary instruments required to ratify our additional protocol and to modify our small quantities protocol. To better ensure non-diversion of nuclear material, we believe in the universalization of the comprehensive safeguards agreement and the additional protocol. We urge other IAEA member States to sign on to these commitments as soon as possible.

The proliferation risks entailed by sensitive aspects of the nuclear fuel cycle have gained international attention. It is imperative to find a balanced approach to prevent clandestine proliferation activities, while upholding the rights of States to pursue peaceful uses of nuclear power. Member States have tabled several proposals, and Mr. ElBaradei has also suggested a multinational approach to the nuclear fuel cycle. These proposals merit serious consideration.

Singapore supports the IAEA's activities to bring socio-economic benefits to developing countries through nuclear application. These activities encompass areas such as medical diagnoses and treatment; industrial applications; animal production and health; food quality and safety; and the management of water resources. They contribute to the Millennium Development Goals.

Singapore also remains committed to supporting the IAEA's Technical Cooperation Programme. We are pleased with the expansion of the Programme, and we commend the Agency for establishing partnerships with international and regional development organizations. We support regional activities organized under the Regional Cooperative Agreement for the Asia Pacific region. We remain committed to continuing our bilateral cooperation with the IAEA through our Memorandum of Understanding for outreach efforts.

The IAEA has had a challenging year. Yet the Director General and his staff have risen to the task, and we commend them. Singapore will also do its share, nationally and in cooperation with the international community.

Mr. Kryzhanivskyi (Ukraine): Ukraine aligns itself with the statement made by the representative of Finland on behalf of the European Union and associated countries. Therefore, I shall limit my

remarks to a few issues of particular interest to my country.

At the beginning, on behalf of the Government of Ukraine, I congratulate the new member States of the International Atomic Energy Agency (IAEA) — the Republic of Malawi, the Republic of Mozambique, the Republic of Palau and the Republic of Montenegro — and wish them every success in their activities within the Agency. The enlargement of IAEA membership is further evidence of the Agency's growing prestige.

In the course of the year marking the fiftieth anniversary of the IAEA, I have the privilege to speak on behalf of Ukraine, a State in which the peaceful use of nuclear energy is one of the determining conditions of sustainable development of the national economy.

Taking into account the rising prices of hydrocarbon raw materials, nuclear energy remains an important component of ensuring our energy independence in the medium and long term, as stated in Ukraine's energy strategy for the period to 2030. Ukraine possesses enough supplies of uranium, which is an argument for the extensive use of nuclear energy. Moreover, proven deposits of uranium ore in Ukraine might be used for the needs of other countries as well. That is why we are open to international cooperation in this area.

In the context of the safe use of nuclear energy, demonstrating the highest level of reactor reliability and management of waste nuclear fuel and radioactive waste are of the highest priority for Ukraine's State bodies. This fully corresponds to the medium-term strategy of the Agency, whose tasks we completely share. In particular, Ukraine takes part in IAEA activities in the area of fuel cycle and new safe-reactor developments, in the framework of the Generation IV International Forum. Last year, Ukraine joined the international project on innovative nuclear reactors. Ukraine, having great potential in the sphere of nuclear technologies, supports the Agency's efforts aimed at conservation of nuclear knowledge and sustainable support for human knowledge for national programmes of nuclear energy development. We also actively support the Agency's activities to strengthen cooperation in nuclear science, especially those connected to radiation biology and radiation medicine.

We welcome the Agency's activities aimed at raising nuclear security. Currently, Ukrainian nuclear power plants, including those for research, fully meet

the demands of domestic and international standards in this sphere. Ukraine continues to improve relevant legislation and strengthen the capability of regulatory authorities. In this connection, we would like to mention such an important part of the Agency's activities as development of guidance and recommendations, which are taken into account when creating national legislation all over the world.

An important part of the IAEA's activities is the work on assurance of radiation security and on radioactive waste management. This year, our national strategy foresees particularly solving the problems of radioactive waste management during decommissioning of the Chernobyl nuclear power plant and conversion of the shelter object into an ecologically safe system. All those matters take a great portion of the State budget, and the final solution of this task cannot be performed without international aid.

I take this opportunity to call upon the Governments of the States members of the IAEA, which are donors to relevant funds, to make additional efforts aimed at early solving of all the problems connected with the creation in Ukraine of facilities for nuclear-waste processing and building storage for spent nuclear fuel and new confinements.

Notwithstanding the expiration of the mandate of the Chernobyl Forum, which acted within the United Nations framework, we hope that the Agency will continue to pay due attention to issues connected with the mitigation of the Chernobyl disaster. We are particularly grateful to the IAEA for taking an active part in preparation for the international conference, "Twenty Year After Chernobyl Accident — Future Outlook", which was held in April this year in Ukraine.

Ukraine is concerned about the new threats posed by nuclear terrorism, which have risen recently in the world. In this context, we support the aim and objectives of the Global Initiative to Combat Nuclear Terrorism and the Global Threat Reduction Initiative, as well as other international and regional programmes in this area. That is why we highly appreciate the Agency's activities in strengthening nuclear and radioactive materials management and preventing their illegal circulation, and we advocate strengthening the regime for physical protection of nuclear materials.

Regarding the basic principles of the Code of Conduct on the Safety and Security of Radioactive Sources, Ukraine created and manages the State system

for registration and control of physical protection of the sources of ionizing irradiation. Relevant legislation on export-import controls has also been improved.

Ukraine welcomes the IAEA's efforts to improve the safeguards system's effectiveness. An important element of strengthening the non-proliferation regime is application of the additional protocol — which Ukraine ratified last year — to the safeguards agreement with the IAEA in connection with the Nuclear Non-Proliferation Treaty. We are grateful to the Agency for the practical assistance given during our preparation of the initial declaration under the protocol.

Ukraine especially appreciates the results of the IAEA Technical Cooperation Programme, which demonstrates the Agency's ability to react adequately and quickly to its member States' demands. In this regard, we draw attention to the fruitful work of the Department of Technical Cooperation and its European Section.

In conclusion, I endorse the words of support for the IAEA report and state once again our appreciation of the activities of the Director General, Mr. Mohamed ElBaradei. We are also grateful to the secretariat for strengthening international cooperation in the peaceful use of nuclear energy. Ukraine will continue to take part in the Agency's activities in order to help achieve its important mission.

Our delegation, of course, fully supports the draft resolution.

Mr. Wibowo (Indonesia): The delegation of Indonesia expresses its sincere appreciation to Mr. Mohamed ElBaradei, Director General of the International Atomic Energy Agency (IAEA), for his presentation of the report of the IAEA for 2005. The report provides a broad picture of all the activities and important work that the Agency has undertaken in the course of that year.

My delegation commends the excellent work of the Agency in fulfilling its mandate, particularly its efforts to ensure that the benefits of nuclear technology are shared globally for economic and social development through the harnessing of nuclear technology for a myriad of peaceful applications, such as in the areas of health, food and agriculture, water resources management, and environmental protection.

In the year of its fiftieth anniversary, we can see that, despite the challenges and difficulties experienced in the last 50 years, the IAEA has carried out significant work and realized remarkable achievements. The excellent work undertaken in the preservation and expansion of the peaceful uses of nuclear energy was recognized through the award of the 2005 Nobel Peace Prize to the IAEA and its Director General.

Indonesia lauds the endeavours of the IAEA, in particular its Technical Cooperation Programme, now covering areas ranging from power generation to a diverse array of industrial, environmental, medical and agricultural applications. Indonesia has been working closely with the IAEA for many years, and continues to support the Programme as an important component of the Agency's activities.

Nuclear technology has been successfully used in Indonesia to cultivate biofuel plants, such as *Jatropha curcas* L. for bio-diesel and sweet sorghum for bio-ethanol. This achievement is in line with the Indonesian Green Energy Action Plan, recently formulated to develop alternative sources of energy, especially in the transportation and power generation sectors.

In the areas of food and agriculture, we note that over 25 new and improved varieties of staple food crops were released in 2005. In this context, high-quality rice mutant varieties have been planted in Indonesia in an area of over 0.4 million hectares. It is expected that by the end of this year the planted area will be expanded to 1 million hectares.

We have also benefited from training and scientific visits, as well as international technical meetings and seminars conducted under the Agency's Technical Cooperation Programme. In addition, we welcome the step taken by the Agency in increasing the effectiveness of the Programme in recent years, by shifting from a technology-driven approach to a needs-driven approach focused on the achievement of tangible socio-economic benefits in member States. We also concur with the current strategy highlighting three elements essential for the successful delivery of the Programme — strong Government commitment, high quality of technical cooperation projects and adequate funding.

In this connection, it is important to stress that the IAEA must maintain sufficient, predictable and

assured funds for technical cooperation. We believe that this objective can only be achieved through a genuine commitment by all member States, particularly the developed countries, in providing greater financial support. My delegation expresses its gratitude to those member States of the Agency that have contributed to the Technical Cooperation Fund. Their continued support and commitment will undoubtedly bring us closer to the attainment of the Programme's objectives through the value of the Fund decided for 2007-2008.

Furthermore, as to the Programme and the use of its Fund as a whole, we stress that careful consideration should be given to maintaining an adequate balance between the Agency's various statutory activities and the need to promote technical cooperation.

The annual report stresses the importance of the Agency's activities to improving nuclear security for member States, including through increasing awareness and their ability to control and protect nuclear and other radioactive materials, nuclear installations and transport from terrorism and other illegal activities. In this regard, Indonesia has been strongly supportive of the Agency's nuclear security activities, in particular its assistance to the member States in improving nuclear security. In the domain of nuclear safety, my delegation commends the Agency's measures to strengthen its role of enhancing nuclear, radiation and transport safety and waste management, through the development of nuclear safety standards.

As mentioned in the annual report, the Agency conducted a number of missions in Indonesia through its Integrated Safety Assessment of Research Reactors service. We thank the Agency for the implementation of project INS/9/022, "Inspection Procedures and Methods for Assessing Reactor Tank Liners", which has helped Indonesia to further improve the operational safety and security of its three research reactors. Indonesia has successfully established an information system on the licensing and inspection of radiation facilities and radioactive sources. With regard to emergency situations, after conducting the field exercise on the radiation dispersal device in Jakarta Province, in cooperation with the Agency, we have also successfully conducted the Asia and Pacific regional training course "Practical Response to a Radiological Emergency Preparedness: First Responder".

As the report rightly observes, 2005 was a year of increased expectations for nuclear energy, driven by, among other things, the growing need for energy around the world, coupled with rising oil and natural gas prices. Over the past few years we have witnessed a considerable change in attitudes towards nuclear energy. Nuclear power continues to account for a significant share of world electricity generation, contributing substantially to world economic development.

Indonesia believes that nuclear energy as an energy option has the potential to have a major socio-economic impact on Member States, especially those of the developing world. With that in mind, Indonesia is embarking on its nuclear energy programme, and the construction of nuclear power plants is under way, with a view to their being operational in 2016. To this end, Indonesia is in the process of establishing Government regulations on the licensing of nuclear reactors, soon to be signed by the President.

Presidential Decree No. 5 for 2006 concerning Indonesia's national energy policy, covering nuclear power plant activities, was enacted earlier this year to enable their timely construction. In this connection, we would like to record our gratitude to the Agency for providing us with three nuclear-power-related technical cooperation projects, which hopefully will be further enhanced in the next technical cooperation cycle, especially in an effort to enhance the capability of our regulatory authority to develop standard specifications and qualification of manpower to supervise and operate the nuclear power plants.

Remarkable progress has been achieved over the years in defining and implementing the IAEA safeguards system. Indonesia has consistently supported the IAEA's efforts to strengthen its safeguards system, which is a fundamental component of the nuclear non-proliferation regime. For its part, Indonesia has signed and ratified the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and concluded a comprehensive safeguards agreement and additional protocol with the Agency, and it is particularly pleased that the IAEA has drawn a positive conclusion with regard to nuclear material and activities in Indonesia. I also reaffirm our commitment to the additional protocol, as it constitutes the centrepiece of the Agency's response in strengthening and improving the effectiveness of the safeguards system.

Given the urgent and serious challenges we face in preserving international peace and security related to nuclear non-proliferation and disarmament, much remains to be done. We share the disappointment at the lack of progress at the 2005 NPT Review Conference and at the omission of a nuclear non-proliferation and disarmament section from the 2005 World Summit Outcome. For Indonesia, the NPT remains the cornerstone of the global non-proliferation regime and an essential foundation for the pursuit of nuclear disarmament. We look forward to the commencement of a new cycle in the review process of the NPT next year.

In the preparations for the 2010 NPT Review Conference, there is an urgent need to strengthen the integrity of the NPT. A successful outcome of the Review Conference is vital for the strengthening of the nuclear non-proliferation regime and nuclear disarmament for the purposes of maintaining international peace and security.

The past two years have proved challenging for the IAEA with respect to safeguards and verification. In fact, some issues have preoccupied the Agency. We note with appreciation that it has maintained its professionalism in dealing with all the verification challenges, and thereby has strengthened its credibility and integrity.

The Iranian nuclear issue will continue to capture our attention, and it deserves our resolute action. In view of the serious implications of this issue, wisdom, statesmanship and the need to preserve peace and security in the region should be given due consideration. We believe that diplomacy, negotiations and other peaceful means are the best and most suitable approaches in dealing with this issue. We strongly support the Director General in continuing and completing his work on the issue. At the same time, we urge Iran to continue to cooperate fully and actively with the Director General in his efforts to resolve this issue.

Israel's nuclear capabilities and threat, and the nuclear adventures of the Democratic People's Republic of Korea, are other issues of grave concern for us, as they pose serious threats to regional peace and security. While the threat of nuclear weapons has subsided in other regions, we may be exposed to the danger of such weapons in West and East Asia. The

international community should therefore give high priority to dealing with these two dangerous problems.

In this regard, the return of the Democratic People's Republic of Korea to the NPT, and the accession of Israel to the Treaty, as well as the placement of their nuclear programmes under IAEA safeguards, are the most urgent and critical steps towards reducing tension and the establishment of a nuclear-weapon-free zone in the Middle East and the denuclearization of the Korean peninsula.

In this connection, we are very disappointed by the continued Israeli refusal to cooperate with the Director General in implementing the General Conference resolutions regarding the application of full-scope Agency safeguards in the Middle East, as that does not help to create the conditions for lasting peace and security, and will certainly deepen suspicion of its motives and policies.

Indonesia supports and lauds the efforts of the Agency in enhancing nuclear safety and security, as well as safeguards and verification in ensuring the non-proliferation of nuclear weapons. We share the growing concern over the challenges on those issues, and we have noted several initiatives and proposals put forward in this regard.

We believe, however, that proliferation concerns and all safeguards issues are best addressed through multilaterally negotiated, universal, comprehensive and non-discriminatory agreements under the auspices of the IAEA. We could not agree more that non-proliferation control arrangements should be transparent and open to participation by all States, and should ensure that they do not impose restrictions on the access to material, equipment and the development of nuclear technology and know-how for peaceful purposes required by Member States, particularly developing countries, for their continued development. In this regard, the proposal of the Group of Experts entrusted by the Director General in 2005 with exploring the possibility of developing a region-based multinational facility has its own merit and deserves further consideration by member States in addressing their prevailing concern regarding assurances of supply and non-proliferation.

Indonesia believes that the inalienable right of all States parties to the peaceful uses of nuclear energy, in accordance with article IV of the NPT, constitutes one of the fundamental objectives of the Treaty, and that

nothing in the Treaty shall be interpreted as affecting the inalienable right of all parties to it to develop, research, produce and use nuclear energy for peaceful purposes, without discrimination. We reiterate that each country's choices and decisions in the field of the peaceful use of nuclear energy should be respected, without jeopardizing international agreements and arrangements for peaceful uses of nuclear energy.

My delegation reaffirms its continued support for the efforts of the IAEA and the Director General in the advancement of the uses of nuclear energy for peaceful purposes and in the furtherance of the non-proliferation regime, through its strengthened safeguards system. We also believe that the agenda and concerns over international peace and security, as well as nuclear proliferation, should not overshadow the great challenges we face in promoting peaceful uses of nuclear energy for sustainable socio-economic development.

Mr. Martirosyan (Armenia): At the outset, I join others in thanking Mr. Mohamed ElBaradei for his presentation of the report of the International Atomic Energy Agency (IAEA).

This year has been truly fraught with challenges in the areas of nuclear disarmament and the peaceful uses of nuclear energy. As a neighbouring country, we are hopeful that the international community will be able to find a resolution to the Iranian nuclear issue through diplomacy and dialogue. We were very concerned about the nuclear test conducted by North Korea and hope that the international community's reaction to that problem will be demonstrative of its resolve not to allow the nuclearization of the Korean peninsula.

Armenia attaches great importance to nuclear energy in both the economic and security aspects. Its cooperation with the IAEA to ensure the uninterrupted and safe operation of the Armenian nuclear power plant has been remarkable.

In December 2005, a special technical meeting to coordinate international assistance to the Armenian nuclear power plant was organized by the Agency's Director General, Mr. ElBaradei, with the participation of donor countries. It presented a comprehensive summary of the analysis of different aspects related to the Armenian power plant: design, seismic and operational safety issues, and regulatory issues, as well as the relationship between IAEA Technical

Documents safety issues and the programme to upgrade the Armenian nuclear power plant.

In its power plant programme, Armenia made commitments to implementing a number of additional measures aimed at upgrading the safety of the nuclear power plant. The sum of \$1.8 million was allocated by the Government of Armenia to that end, and the measures will be carried out in the fall of this year, when the Metsamor nuclear power plant will undergo an annual outage and refuelling. A technical meeting for the coordination of international assistance will follow to assess the measures taken and come up with additional recommendations.

Armenia pays great attention to the protection of radioactive sources. In 2006, an inventory of existing radioactive sources was made and an investigation of orphan sources is currently under way. This year, Armenia assumed the chairmanship of the WWR Regulators Forum and hosted the thirteenth annual meeting in Yerevan in June. The Forum welcomed three new member States — China, India and Iran — and made its contribution to further improving regulators' activities, making them more efficient and transparent.

The sustainability of energy sources is a major issue for my country. Armenia is very interested in the International Innovative Nuclear Reactors and Fuel Cycles project, which drafts new standards for new nuclear stations, the safety and security of the fuel cycle, ecological aspects and non-proliferation issues. The project is of special importance to those countries planning to develop their nuclear energy sector. In that respect, I would like to underline that a feasibility study for nuclear energy development in Armenia was approved by Director General ElBaradei for the next biennium. The project will make an analysis of the expenditures for the construction of new nuclear reactors based on the existing infrastructure and the expertise of the current staff of the Metsamor nuclear power plant. Meanwhile, in collaboration with the European Union and under the Technical Assistance to the Commonwealth of Independent States and Georgia programme for 2006-2007, the Armenian Government is working on a project that will set the timetable and expenditures for the decommissioning of unit 2 of the nuclear power plant.

The Armenian Government's progress in ensuring the safe and secure operation of the Armenian nuclear

power plant would have been very difficult, and in certain instances almost impossible, without the support and assistance of our partners and donors. In that respect, I would like to express my gratitude to the Governments of the United States, the Russian Federation, France, the United Kingdom, Bulgaria and Slovakia for their financial and professional support.

Mr. Tulbure (Moldova): First of all, I would like to thank Mr. Mohamed ElBaradei, the Director General of the International Atomic Energy Agency (IAEA), for his comprehensive report.

The Republic of Moldova aligns itself with the European Union statement, but I would like to highlight some additional subjects related to my country.

Today, humanity is entering an era of rapid scientific and technological development. As related to global economic expenditures, the need for energy sustainability and new technologies is becoming increasingly pressing. In that context, more and more countries have begun to review the role of nuclear technologies in their economic development. The IAEA has an important mission to promote the peaceful uses of nuclear technologies. Convinced that this policy will continue, the IAEA provides as much assistance as possible to the developing countries via technical cooperation, expert consultancy and personnel training.

Special attention is paid in our country to the development and adoption of our own legislative framework to harmonize it with European Union standards. That will guarantee the accomplishment of those objectives in the nuclear field as well. The Republic of Moldova is deeply attached to the peaceful uses of nuclear technologies. That is reflected in a major political option taken by our country that is clearly outlined in the recently adopted national law concerning the safe implementation of nuclear activities and those involving ionizing radiation sources.

All countries that go through the transition to a market economy face a decline or stagnation in their economic development. Our country was no exception. Moldova is facing a very complicated situation of scarce energy resources. Almost all our energy is imported from Ukraine and Russia and prices continue to rise, affecting our economy. Thus, the Government's goal is to find alternative energy sources, both

renewable and nuclear. The IAEA could take the following actions to provide technical assistance or finance projects in those fields in developing countries.

Moldova has signed a new Country Programme Framework, reflecting our major interests related to the Agency. In the Framework, the following priority areas of cooperation were identified: nuclear equipment in human health, radiation processing, radiation safety, emergency preparedness and radioactive waste management. It is necessary to underline that, within the framework of our cooperation assistance projects, around \$3 million have been provided through the IAEA. For the next biennial cycle, three national projects have been submitted. Two are related to the implementation of proton linear accelerator technology in cancer treatment and to the establishment of new industrial sectors based on radiation processing technology. The third national project is related to the upgrading of radiation monitoring capability.

I would like to express our gratitude to the IAEA and the United States Government for their support regarding the safety of radioactive sources. Those activities were undertaken successfully, and the storage of sources is in keeping with international standards.

We will be very grateful to our partners for their assistance in the implementation of the national project to establish an industrial radiation processing centre. This project will have a considerable impact on the development of such branches of the economy as pharmaceuticals, medicine, the food industry and the sciences.

We are aware of the importance of nuclear security and will pursue further cooperation with the IAEA Department of Safeguards concerning the implementation of the respective international norms and practices. In this context, our Government has presented an official letter to the Agency regarding our readiness to sign the additional protocol.

The IAEA has been playing an indispensable role in the peaceful use of nuclear technologies and preventing the proliferation of nuclear weapons. That is why it has become one of the most dynamic international organizations. I reiterate the support of our Government for the IAEA's activities.

Moldova co-sponsored the draft resolution introduced by the representative of Slovenia and will vote in favour of it.

The Acting President (*spoke in Arabic*): We shall now proceed to consider draft resolution A/61/L.9.

I call on the representative of the Democratic People's Republic of Korea, who wishes to speak in explanation of vote before the voting. I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mr. Sin Song Chol (Democratic People's Republic of Korea): The delegation of the Democratic People's Republic of Korea would like to clarify its position on the draft resolution.

First, it is totally unreasonable for the International Atomic Energy Agency (IAEA) to mention the so-called nuclear issue of the Democratic People's Republic of Korea in its report. We would like to draw attention to the fact that the Democratic People's Republic of Korea is neither a member of the IAEA nor a party to the Nuclear Non-Proliferation Treaty (NPT).

Secondly, the IAEA addresses the nuclear issue on the Korean peninsula in a biased manner. The nuclear issue on the Korean peninsula is a political and military issue between the Democratic People's Republic of Korea and the United States, which cannot be dealt with by the IAEA.

The nuclear issue on the Korean peninsula is an outcome of the hostile United States policy towards the Democratic People's Republic of Korea. For more than half a century the United States has made nuclear threats to the Democratic People's Republic of Korea. In particular, President Bush, immediately after assuming power, designated the Democratic People's Republic of Korea part of an "axis of evil" and a target of the United States nuclear pre-emptive strike.

Moreover, as soon as the 19 September Beijing Joint Statement was made public the United States imposed financial sanctions upon the Democratic People's Republic of Korea and stepped up its pressure from every angle. In addition, the United States hindered the implementation of the Joint Statement by every means, with such threats and blackmail as large-scale military exercises targeting the Democratic People's Republic of Korea.

The possession of nuclear weapons and nuclear testing by the Democratic People's Republic of Korea

is actually attributable to the United States nuclear threats, sanctions and blockade against my country.

It is important to evaluate exactly how the IAEA has dealt with the nuclear issue. This matter has emerged as a political and military issue between the Democratic People's Republic of Korea, which is a very small country, and the United States, which is a pretend super-Power, with both still technically at war. The IAEA, under United States instructions, has addressed the nuclear issue on the Korean peninsula with prejudice and double standards, abandoning its impartiality, which must be its lifeline as an international organization.

Denuclearization of the Korean peninsula is the ultimate goal of the Democratic People's Republic of Korea, whose will to denuclearize the Korean peninsula through dialogue and negotiations, to which it committed itself in the 19 September Joint Statement, remains unchanged. But it should be clearly understood that denuclearization of the Korean peninsula cannot be realized through the unilateral abandonment by the Democratic People's Republic of Korea of its nuclear programme, and that it can be realized only when the United States also implements its own obligations.

My delegation stresses that the Beijing Joint Statement stipulates the obligations of not only the Democratic People's Republic of Korea, but also the United States and South Korea, which are parties directly concerned in the denuclearization of the Korean peninsula.

The delegation of the Democratic People's Republic of Korea opposes the draft resolution, since it is intended to mislead about the substance of the nuclear issue on the Korean peninsula and does not help to solve the problem at all.

The Acting President (*spoke in Arabic*): The Assembly will now take a decision on draft resolution A/61/L.9.

Since the introduction of the draft resolution, the following countries have become sponsors: Angola, Cape Verde, Montenegro, the Philippines and Peru.

A recorded vote has been requested.

A recorded vote was taken.

In favour:

Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahrain, Belarus, Belgium, Belize, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Canada, Cape Verde, Chad, Chile, China, Colombia, Comoros, Costa Rica, Croatia, Cuba, Czech Republic, Denmark, Djibouti, Ecuador, Egypt, Eritrea, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Japan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Malta, Mauritius, Mexico, Moldova, Monaco, Mongolia, Montenegro, Morocco, Myanmar, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, San Marino, Saudi Arabia, Serbia, Singapore, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Syrian Arab Republic, Thailand, Togo, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela (Bolivarian Republic of), Viet Nam, Yemen

Against:

Democratic People's Republic of Korea

Abstaining:

Zambia

Draft resolution A/61/L.9 was adopted by 114 votes to 1, with 1 abstention (resolution 61/8).

[Subsequently, the delegations of Bolivia, Cyprus, Liberia and Zambia informed the Secretariat that they had intended to vote in favour.]

The Acting President (*spoke in Arabic*): Before giving the floor to the speaker in explanation of vote after the vote, may I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

I call on the representative of the Syrian Arab Republic, who wishes to speak in explanation of vote on the resolution just adopted.

Mr. Taleb (Syrian Arab Republic) (*spoke in Arabic*): My delegation voted in favour of the draft resolution, on the basis of its belief in the importance of the IAEA in monitoring nuclear non-proliferation and guaranteeing the right of Member States, large and small, to the peaceful uses of atomic energy.

Yet my delegation would like to place on record its regret and disappointment at the positions taken by many States in the IAEA General Conference during its fiftieth session on the item concerning the Israeli nuclear capacity and the Israeli nuclear threat. Those positions led to a postponement of the discussion of the item until next year, while major international pressures are being brought to bear on other States that are exercising their sovereign right to acquire nuclear energy for peaceful purposes.

This item has been on the agenda of the General Conference for more than a decade, during which resolutions in favour of establishing a zone free of nuclear weapons in the Middle East have accumulated. Those resolutions have called on Israel to renounce its nuclear option and place its nuclear installations under international inspection and the safeguards agreement, and to seek to establish a nuclear-weapon-free zone, which has no room for policies of nuclear terrorism.

Our disappointment is also caused by the failure of the international community to send a clear message to Israel affirming its sincere will and vigorous efforts to implement the principle of nuclear non-proliferation, rather than continue to follow the policy of nuclear hypocrisy pursued by some States, which will only lead to further risk to international peace and security. My delegation stresses that silencing the voice of right this time, in the face of the Israeli nuclear threat and risk in the Middle East region, through aborting the draft resolution will not be repeated ad infinitum. The day will come when the voice of right will be heard.

The voting in the First Committee on draft resolution A/C.1/61/L.2, "The risk of nuclear proliferation in the Middle East", is sure evidence of the invalidity of the positions of those States that have hindered the discussion of the aforementioned item in the IAEA General Conference, especially since the

seventh preambular paragraph of that draft resolution, adopted by the First Committee on 23 October 2006 with 151 votes in favour, expresses concern at the continued existence in the Middle East of unsafeguarded nuclear facilities, and since the eighth preambular paragraph notes that Israel remains the only State in the Middle East that has not yet become party to the Non-Proliferation Treaty. Moreover, operative paragraphs 2 and 3 reaffirm the importance of Israel's accession to the Treaty without further delay and placement of all its nuclear facilities under comprehensive IAEA safeguards, and call upon Israel not to develop, produce, test or otherwise acquire nuclear weapons, but rather to renounce their possession as an important confidence-building measure among all States of the region and as a step towards enhancing peace and security.

The Acting President (*spoke in Arabic*): May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 81?

It was so decided.

Programme of work

The Acting President (*spoke in Arabic*): I would like to inform members that tomorrow morning, at 10 a.m., the General Assembly will consider, as the first item, a report of the Fifth Committee on agenda item 133, financing of the United Nations Operation in Burundi. As the second item, the Assembly will resume its consideration of sub-item (a) of agenda item 103, election of five non-permanent members of the Security Council.

I would also like to inform members that, in addition to the item already scheduled for the afternoon of Wednesday, 1 November, the Assembly will consider, as the first item, agenda item 156, extension of the terms of the ad litem judges of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994.

The meeting rose at 5.15 p.m.